

AN EXACT
COLLECTION
OF THE
Debates

OF THE
HOUSE of COMMONS,

Held at

WESTMINSTER,

October 21. 1680.

*Prorogued the Tenth, and Dissolved the
Eighteenth of January following.*

With the DEBATES of the House of
COMMONS at OXFORD,
Assembled March 21. 1680.

Also a Just and Modest *Vindication* of the
Proceedings of the said Parliaments.

L O N D O N,

Printed for R. Clavel at the West-end of S. Paul's,
J. Robinson in S. Paul's Church-yard, and A. Churchil
at Amen-Corner. 1689.



EXACT
COLLECTION

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OF THE
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TO THE
READER.

NEver any Parliament Assembled in a more Critical Juncture, or had Matters of greater Importance before them, than that which met at Westminster, October 21. 1680. And never any House of Commons was filled with Members of better Quality, Nobler Parts, more Political Wisdom, greater Integrity, and truer Zeal for the Safety and Happiness of His Majesty's Person and Dignity, the Preservation of the Protestant Religion, and the Security of the Civil Rights and Liberties of the People, than that was.

To the Reader.

~~And whereas the Dangers which they~~
~~apprehended the Nation to labour un-~~
~~der, put them upon the preparing di-~~
~~vers Bills, and the passing several~~
~~Votes, which have unhappily given~~
~~some disgust; it will appear in these~~
~~following Sheets, upon what weighty~~
~~Inducements and convincing Reasons,~~
~~and after what free and mature De-~~
~~bates, those Bills came to be brought in~~
~~and promoted, and under the influence~~
~~of what Arguments and Motives these~~
~~Votes and Resolves came to be made.~~
~~These Papers, though exceeding worthy~~
~~of the view of the Nation, had ne-~~
~~vertheless remained confined to the~~
~~Privacy unto which they were ori-~~
~~ginally designed, had not the publish-~~
~~ing some imperfect Notes of the De-~~
~~bates of a latter Parliament, relating~~
~~to the same Matters, rendred it indi-~~
~~spensibly necessary that the Kingdom~~
~~should be better enlightned, and more~~
fully

To the Reader.

fully instructed concerning them. And as nothing can so vindicate or justify the Proceedings of a Parliament, as a true and perfect Relation of their own Debates, wherein the sagacious Wisdom, the unbiass'd Integrity, and an universal Prospect of the whole Interest (both Domestick and Foreign) of the Kingdom, will appear to have guided and conducted all their Consultations; so we noways doubt, but that the Speeches here truly and fully subjoined, as they were pro re nata spoken, will at once rectifie the Opinions of some Men concerning the late Actings both of that and two other Houses of Commons, and fill the World with an esteem and admiration of an English Senate, where private Gentlemen, of which the Lower House of Parliament is constituted, can, concerning the greatest Affairs, and most abstruse parts of Policy, speak at such a rate extempore.

What

To the Reader.

What the thoughts of our Ancestors have been, concerning the Power of a Parliament to determin the Succession to the Imperial Crown of this Realm, may be seen not only in the Practice of more ancient Times, but in the Opinions of the grèatest and wisest Men of the two last Ages. Fisher Bishop of Rochester, and Sir Thomas Moore, two Persons not onely addicted to the Popish Religion, but greatly devoted to the Interests of Catherine, and consequently of her Daughter Mary, yet at that very time when they refused to take the Oath of Supremacy, by which King Henry VIII. was declared Head of the Church, were willing to swear another Oath for the Succession of the Crown to the Issue of the King by Anne Boleine, because that was in the Power of the Parliament to determine it. And the
Earl

*Burnet's Hist. of
the Reformat.
par. 1, lib. 2. p.
156.*

To the Reader.

Earl of Leicester, in a Letter to the Earl of Sussex, where discoursing whether Mary Queen of Scots should be kept confined here, or set at Liberty, and returned into Scotland, upon such Provisions and Terms as might secure Queen Elizabeth against any future danger from her, adds this to the other Assurances which he thought convenient to be demanded of Mary, That the Queen of England should by Act of Parliament make it a Forfeiture in the Queen of Scots, should she any way, directly or indirectly, go about to infringe the Agreement, of all such Titles and Claims that did remain in the Queen of Scotland after Her Majesty and Her Issue, never to be capable of any Authority or Sovereignty within this Realm. Nay, the very Privy Council, among other things which they

*Burnet's Hist. of
the Ref. Collect.
of Records, par.
2. p. 376.*

To the Reader.

*they proposed to Mary, as the Condi-
tions upon which their
Princess Queen Elizabeth
might grant her her Li-
berty, this was one, That
as she should claim no Right unto
her self in the Kingdom of England,
during the Life of the Queen, so she
should afterwards submit her Right
of Succession unto the Estates of
England.*

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A

COLLECTION

Of some

DEBATES

In the

House of COMMONS

Assembled at *Westminster*, 1680.

The 26th of *October*.

Mr. Speaker,

Ld. R. SIR, seeing by *God's Providence*, and
His *Majesties Favour*, we are here
assembled, to consult and advise a-
bout the great Affairs of the King-
dom, I humbly conceive it will become us to be-
gin first with that which is of most consequence
to our *King and Country*, and to take into consi-
deration how to save the *main*, before we spend
any time about *particulars*. Sir, I am of opini-
on that the *Life* of our *King*, the *Safety* of our
Country and Protestant Religion, are in great
B danger

danger from *Popery*, and that either this *Parliament* must suppress the Power and Growth of *Popery*, or else that *Popery* will soon destroy not only *Parliaments*; but all that is near and dear to us. And therefore I humbly move, That we may resolve to take into our Consideration in the first place, *How to suppress Popery, and prevent a Popish Successor*; without which all our endeavours about other matters will not signifie any thing, and therefore this justly challengeth the precedence.

Mr. Speaker,

Sir *H.C.* Sir, I stand up to second that Motion, and to give some Reasons, with your permission, why I agree in it, not doubting but other persons will be of the same Opinion, if they have the same sentiments what influence the *Popish Party* have had in the management of most of our Affairs both at home and abroad for many years last past: And how that Party hath increased and been encouraged. Sir, I remember that after his Majesties happy Restoration, it was thought convenient that an *Act of Uniformity* should pass as the best Law that could be invented to secure the Church from the danger of *Popery* and *Fanaticism*, and accordingly it did pass in the year 1662, but in the year 1663 some that then managed the great Affairs of State, or at least had great interest with his Majesty, were of another opinion: For they had prevailed with him to grant a *Toleration* and *Indulgence*, and to make a *Declaration* to that purpose. The Parliament assembling soon after, thought it very strange, that in one year an *Act of Uniformity* should be the best way to preserve the Church, and that

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in the next year a *Toleration* and *Indulgence*; therefore after a serious debate about it, in *February* 1603, they made an Address to his Majesty, humbly representing how it would reflect upon the Wisdom of that Parliament, to have such an alteration made so soon, and that such *Proceedings* for ought they could foresee would end in *Popery*. Upon which his Majesty, out of his great goodness, stopt the issuing out of the said *Toleration*, hearkning rather to the advice of his Parliament than to any *private Counsellors*. Sir, I cannot inform you who it was that gave that Advice to his Majesty; nor certainly affirm they were Popishly affected, but if I may take the liberty to judge of a tree by its Fruit, I have some reason to think so; because I find by *Coleman's Letters*, and other Discoveries, that a *Toleration* and *Indulgence* should be one of the great *Engines* they intended to use for the *establishing* of *Popery* in this Nation. But the project thus failing at this time, they were forced to wait with patience until they could have another opportunity; employing in the mean time their diabolical Counsels in weakning the Protestant Interest (in order to a general destruction of it) by *engaging* us in a War with *Holland*. In which the *French* acted the same part in the behalf of the *Dutch*, as they did afterwards in our behalf against them, 1672, very fairly looking on both times, while we poor Protestants with great fury *destroyed* one the other. But this was not so strange nor so plain as the *dividing* of our *Fleet* under the Command of Prince *Rupert* and General *Monk*, and the design of *destroying* them as well as their Ships, and the rest of our

Navy Royal at *Chattam*. And as they thus acted their part at *Sea*, so they did not forget to do their best *ashoar*; in *April* 1666 some persons that were then hanged, fairly confest they had been *treated with*, and had *treated with others*, to burn the City of *London* in *September* following, of which Confession we then took as little notice as we have of other Discoveries against Papists since; however accordingly in *September*, *thirteen thousand* Houses of the City of *London* were burnt. And those that were taken in carrying on that Work, generously *discharged* without any *Trial*; and one Papist that confest, that himself and others did set the City on fire, was in great haste hanged, and so the business was *hust* up, as compleatly as the late great *Plot* is like to be now, branding *Hubert*, that then made that confession, with *Madness*; as now these last Witnesses with *Perjury*, *Sodomy*, and what not. However these businesses were not so carried, but his Majesty discerned some of the Intrigues of them, which made him alter his Councils, and contrary to the Endeavours of that Party enter into new Alliances, by making up that excellent *League*, usually called the *Tripple League*. Which put a stop to these mens Designs as to Affairs abroad, but not to their Designs here at home. For having obtained the *Oxford Act*, and some others against the *Dissenters*, great endeavours were used to have them executed severely, in expectation that the *Dissenters* would so be made weary of living quietly under them, and in the end be glad of a Toleration; but the *Dissenters* deceived them, and submitted to the Laws, insomuch that in

1670 to 1671 there was hardly a Conventicle to be heard of in *England*. And might never have been more, if that Party had not been afraid of a great disappointment thereby, wherefore to revive our *Divisions*, and to bring in (as they hoped) their own *Religion*, they employed all their force again to get a *Toleration*. I say they did it, because it cannot be imagin'd it could be from any Protestant Interest, both Church-men and Dissenters Publickly declaring their detestation of it. And in 1672 it was obtained, Printed, and Published. After we had, in order to the carrying it on, broke that never to be forgotten *Tripple League*, sacrificed our *Honour* to the *French*, not only by making a strong *Alliance* with them, but by seizing the *Dutch Smyrna Fleet*, and then afterwards proclaiming War with them. Which War was continued in order to ruine us both; for the *French* proved but *lookers on at Sea* (as they had done when ingaged with the *Dutch* in 1665) though great *Conquerours at Land*, especially of the *Protestants* in *Germany* and *Holland*. And as this *Toleration* was accompanied with these great alterations in Affairs abroad, so it was backt,

1. With a great *Minister of State* at the Helm at home, who was so confident of the re-fixing Popery here, that he could not forbear to declare himself to be of that Religion, I mean my Lord Treasurer *Clifford*; as also,
2. With a great *Army at Black-Heath* ready upon all Occasions;
- and,
3. With the greatest violation on the Property of the Subject, that ever hapned in this Nation, the seizing of One Million and half, or thereabout, in the *Exchequer*. All which indeed

made our condition desperate, and as many thought past retrieve. But, *Mr. Speaker*, here again the Goodness and Wisdom of his Majesty saved us, refusing to follow such pernicious Counsels; upon which *Clifford* not only lost his place, but his life too, breaking his heart (as is by most believed) to see himself so disappointed in this great Design. And here as we can never too much *detest* my Lord *Clifford*, and such others, who contrived our ruine, so we can never sufficiently *admire* his Majesties Royal Care in working out our security, by refusing to follow any Advice that tended to those ends. And therefore to the great disappointment of that Party, at the Request of the House of Commons at their next Meeting, He recalled the said *Toleration*, disbanded the *Army*, and in convenient time made a *Peace* with *Holland*. But though this Party were thus defeated of their Design, yet not so discouraged as to give it over. They changed their Measures, but not their Principles, and although they desisted from further *aiming* at a *Toleration*, yet they no ways neglected *pursuing* a *Reformation*, but in order thereto prosecuted a Correspondence formerly begun for that purpose with the *French King*, and by promising him considerable Supplies to carry on the War he was then engaged in, secured themselves as they thought of his assistance for settling of Popery here. Accordingly it is not unknown, what a Party of Men, and what quantity of Amunition and other Necessaries for War, were sent to the *French King*, during the War he was then engaged in, and then it was done contrary to the
advice

advice of the *Parliament*, and the *Solicitations* of most of the *Princes* of *Europe*, and true *Interest* of *England*, to the astonishment of all good men; especially because it was *contrary* to his *Majesties* own *Proclamation*, and when the *French* had declared they made that *War* for *Religion*, endeavouring to force the *Dutch* to allow of *Po-pish* Churches. However such was the strength of this Party, that this Assistance was continued until the *French King* was willing to make a Peace, and then who more instrumental than our Ministers to effect it. Several *Embassadors*, and *Plenipotentiaries* too, being sent as well to the Court of *Spain*, as *Germany* and *Holland* for that purpose. And at last, the *Dutch* being weary, and consumed with the War, they were perswaded to be willing of a Peace, and accordingly the 10th. of *January* 1677, entered into a Treaty with us for a general peace to be accomplished by such ways and means as are therein prescribed. Which *League* was kept private for some time, and instead of any *Discovery* thereof, about the end of *February* following (the *Parliament* being then soon after to *Assemble*) a great noise was made of *entering* into a war with *France*, it being concluded that nothing like that would incline the *Parliament* to give money, nor the *People* freely to part with it, because it was the only way to extinguish those fears they lay under, by reason of the growing greatness of *France*. At the meeting of the *Parliament*, the Project was set on foot with all the art and industry imaginable, and so far were the major part of the Members perswaded of the reality thereof,

that they were inclinable to give a great sum of money for the carrying on of the War; but while they were in Consultation about it, the *League* formerly mention'd, agreed at the *Hague*, was unluckily made (in some measure) publick, and occasion'd a great jealousy of the reality of the pretended War. And the greater, because upon an inquiry, they could not find there were any Alliances made to that purpose. And yet notwithstanding this, and the great endeavours of some worthy Members of that Parliament (now of this,) an Army of thirty thousand men was raised, and a *Tax* of above 1200000 pound was given. And then, instead of a *War*, a general *Peace* according to that Treaty agreed with *Holland*, was presently made. By which that Party thought they had secured not only the power of *France*, but the men and money here raised at home, to be made serviceable for their ends; there wanting nothing but a *Popish King* to perfect all these Designs. For which we have great reason to believe they had made all necessary preparation, as well by employing men and money to find out wicked Instruments to take away the *King's Life*, as by providing one *Claypool* to be a Sacrifice, to make an *atonement* for the Act, and to cast the wickedness thereof on the *Phanatics*. To which purpose the said *Claypool* was really imprison'd some time before in the *Tower*, upon the Evidence of two *Witnesses*, that he should say, that he and two hundred more had engaged to kill the King the next time he went to *New-Market*. For which in all probability he had as really been hanged, if the breaking out of the Plot had

had not prevented their designs. Then was *Claypool* the next Term after publicly cleared at the King's Bench-Bar, the Witnesses appearing no more against him. Thus were we again reduced to a miserable condition, but it pleased God by the Discovery of the Plot by *Dr. Oates* once more to save us; whose Evidence (he being but one Witness) they thought at first to have out-braved, but some of them being so infatuated as to kill *Justice Godfrey*, and *Coleman* so unfortunate as to leave some of his important Papers in his House, notwithstanding the time he had to convey them away, it wrought so great a fermentation in the People, as that there was no remedy, but that the further pursuit of the Plot must be again laid aside, and a fair face put upon things. And so accordingly there was for a few Months, but how after *Wakeman's* Tryal things turn'd again, what endeavours have been since used to ridicule the Plot, to disparage the old Witnesses, to discourage new ones, to set up *Presbyterian Plots*, and to increase our Divisions, I suppose, must be fresh in every Man's memory here, and therefore I shall not offer to trouble you therewith.

But, Sir, I cannot conclude without begging your patience, while I observe how things have been carried on in *Scotland* and *Ireland*; answerable to what was done here.

In *Ireland* the *Papists* are at least five to one in number for the *Protestants*, and may probably derive from their Cradle an inclination to massacre them again; at least the *Protestants* have no Security, but by having the Militia Arms, and the command of *Towns* and *Forts* in their hands.

But

But about the same time or a little before that the *Tolleration* came out here in 1672, an *Order* went from hence, which after a long *Preamble* of the Loyalty and affection of the *Papists* to his Majesty, *required* the *Lord Lieutenant* and Council to *dispen*ce with the *Papists* wearing of *Arms*, and living in *Corporations*, and a great many other things in their favour; of which they have made such use, as that the Plot there was in as good readines as that here; but how carried on, and how endeavours were there also used to stifle it, will appear, when your leisure may permit you to examine those *Witnesses*.

In *Scotland*, the Government is quite alter'd, the use of *Parliaments* in a manner abolished, and the Power of that Government lodged in a *Commissioner* and Council, a standing Army of Twenty two thousand men settled, all endeavours used to divide the *Protestant Interest*, and to encourage the *Papists*. By which we may conclude, that the same interest hath had a great hand in the management of affairs there also.

And, Sir, may we not as well believe, that the World was at first made of *Atoms*, or by chance, without the help of an Omnipotent hand, as that these affairs in this our little World have been thus carried on, so many years together, so contrary to our true interest, without some great Original Cause, by which the *Popish* interest hath so far got the ascendant of the *Protestant* interest, that notwithstanding all his Majesties endeavours, things have been strangely over-ruled in favour of that Party; how and which way, his Majesties Declaration made
in

in *April 1679*, is to me a great Manifestation.

Sir, I hope the weight of the Matter I have discours't on, will plead my pardon with the House for having troubled you so long, I submit what I have said to your judgment, humbly desiring a favourable construction; and although I have said some things that are very strange, and other things grounded only on Conjectures, yet I believe that no man will have just reason to doubt the probability of the truth, if they will but consider, what a potent Friend the Papists have had of *James Duke of York*; and how imboldened by the hopes of having him for King. And as it is not to be doubted but that they have had his Assistance, so they have had the *French Ambassadors* too, who by his frequency at the *Palace*, hath seem'd rather one of the Family and King's Household, than a Foreign Ambassador, and by his egress and regress to and from his Majesty, rather a prime Minister of State of this Kingdom than a Councillor to another Prince. And the truth of all hath been so confirm'd by *Coleman's Letters*, making the Duke's interest, the *French* interest, and the Papists interest, so much one, and by the many Witnesses that have come in about the Plot, that I think we may rather be at a loss for our Remedy, than in doubt of our Disease. And therefore though I know the difficulties I may bring my self under, by having thus laid open some mens Designs, yet seeing my King and Country have called me to this Service, I am resolv'd that as my Father lost his Life for *King Charles the First*, so I will not be afraid to adventure mine for *King Charles the Second*, and that makes me expose my self in his Service in this place.

Sir

Sir, I think (seeing things are thus) without neglecting our Duty to our King and Country, nay to our God too, we cannot defer endeavouring the securing of the King's Person, and Protestant Religion, by all lawful means whatsoever; and therefore I second the Motion that was made, That we may in the first place take into our Consideration, how to suppress Popery, and prevent a *Popish Successour*; that so we may never return again to Superstition, Idolatry, and Slavery, but may always preserve that pure Religion, to be the Religion of this Nation, for which so many of our Fore-fathers have suffer'd Martyrdom, I mean the Protestant Religion, as long as the Sun and Moon endures.

Mr. Speaker,

Sir F. W. Sir, the *Popish Party* have not only had a great influence on the management of our Affairs, both Foreign and Domestick, while they could do it under a *disguise*, but notwithstanding the discovery of their whole Plot, have ever since gone on *triumphant*, as if they were not afraid of any opposition that can be made against them. Although the most part of *Doctor Oates* his Discovery was no news to most Men; and the great Correspondence which *Coleman* had held with Foreign parts, had been generally observed for some years; yet what difficulties were there raised against *believing* of *Oates* his Testimony, and against *apprehending* of *Coleman's Person*, and *seizing* of his *Papers*, by which he had opportunity to carry away the most part, and by that means prevented a great deal of Evidence, which we should otherwise have

have had against that Party ; though by chance he left enough to hang himself. And as their Power, or the Respect which was born them, appeared in this ; so their great Confidence in the never to be forgotten Death of Sir *Edmond* *Godfrey*, which doubtless they accomplished, as to conceal Evidence, so to intimidate *Justices* and others, from doing their duty, with great assurance, that those who did it should never have been brought to Justice. And I must confess, we took a strange unheard of way, either to do that, or prevent the going on of the Plot : For in *October* after the Plot broke out, no less than *Fifty seven Commissions* were discover'd for raising of Souldiers, granted to several *Popish Recusants*, with Warrants to Muster without taking the Oaths of Allegiance and Supremacy, or Test ; Counter-Signed by the then Secretary of State. Of which the Parliament taking notice, they were soon after dissolved in the midst of the Examination of the Plot. And the next that was called, though compos'd of true *English* Gentlemen, as soon as they fell severe upon Popery, had no better Success ; certainly, Sir, not by the prevalency or Advice of any true *English* Protestants ; and who then may be presumed to have given such Advice, I leave to your judgment. These two Parliaments being thus Dissolved, a third was Summoned, but was not permitted to sit, but on the contrary, put off by several Prorogations. At which the People being discontented, their Fears and Jealousies arising from the Papists increasing, from which they knew they could not be effectually secured but by a Parliament ; several Counties and Cities

ties joyned in Petitioning his Majesty for a Parliament. But it being foreseen that every thing that tended to make way for the meeting of Parliaments, was dangerous, such was the influence of that Party, as that they obtained a *Proclamation*, penned I think by *Coleman* himself, or by some body that had no more love for the Protestant Religion than he, forbidding Petitioning as Seditious and Tumultuous. And that nothing should be wanting to shew their power, at length by the endeavours of some great men, some credulous and ambitious men were drawn in to be *Abhorers*. Good God! where were these Mens Sences, that in a time when the Nation was in such imminent danger, there should be any good Protestant that should abhor Petitioning for a Parliament? But I hope this House will have a time to speak with those Gentlemen, and Mark them with the Brand they deserve. And now that it may be found that there were a good easie sort of credulous people that might be wrought upon, it was thought high time to have a *Counter Plot*, that might swallow up that of the *Papists*, and restore them to their former Credit. How far this was carried on by good men and bad, I am loath to particularise; but I cannot but observe, that *Dangerfield* had more Money and Encouragement given him while he was carrying on of that Plot, than I could ever hear he hath had since the discovery of it. But though it be not strange, that the *Papists* should be so wicked, as to contrive such a design, for the casting of the Plot upon the Protestants, though with the loss of so many honest mens lives, as was intended; yet it is strange to see how willing many

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Protestants, especially of those who have reason to think themselves of the best sort, were to believe it, and how little pleased with Dangerfield, for the great service he did in discovering that wicked Plot. So powerful and so lucky are the Popish Party, in infusing of animosities amongst us, tending to divide us, and so willing are we to entertain them to our destruction. And as the Popish Party have been very industrious in the contriving of Reports and Plots to remove the ill Reports they lie under, and have had a great influence in managing of Parliamentary Affairs, so we may presume they have of late had in the dispensing of Justice, as may appear by considering what hath been done by our Judges of late.

*At Wakeman's Tryal, those Persons who at former Tryals had been treated with that respect that is due to the King's Evidence, and whose Credit and Reputation had stood clear without exception in all other Tryals, were now not only browbeaten, but their Evidence represented to the Jury, as doubtful, and not to be depended on, and so at all other Tryals of Papists from that time forward. By which many of the greatest Offenders were quitted and cleared as to the Plot, and those that were brought for defaming the King's Evidence, and suborning Witnesses, in order thereto, very kindly treated, and discharged with easie Sentences, especially if Papists; but if Protestants, though only for Printing or Vending some Unlicensed Book, were imprison'd and largely fined. But I beg leave to particularise in the case of one Care, who was indicted for Printing a weekly Intelligence, called, *The Packet of Advice from Rome, or, The History of Popery* published*

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man had a strange knack of writing extraordinary well upon that Subject, and the Paper was by most Persons thought not only very ingenious, but also very useful at this time for the information of the people, because it laid open very intelligibly, the Errours and Cheats of that Church. However upon an Information given to the Court of Kings-Bench against this *Care*, this Rule was made,

Ordinatum est, quod liber intusulat, The weekly, &c. non ulterius imprimatur, vel publicetur per aliquam personam quamcunque. Per Cur.

I think it amounts to little less than a total prohibition of Printing any thing against Popery.

The true *English Protestants* being thus prevented of having Parliaments to redress their grievances, and secure them against the fears of Popery, as also of Petitioning for Parliaments, or writing for the Protestant Religion, they had recourse to their old way of presenting Grievances by Juries. But advice being given that some great *Papists* were concern'd in the Presentment, particularly the *Duke of York*, the Jury was dismiss'd in an extrajudicial manner, and so no remedy in the world allowed for poor Protestants. What an Unhappy Star were we born under, that things should be thus carried against us, in the whole course of our Government, whilst we have a wise Protestant King over us? What may not be expected under a Popish King, if it should be our misfortune to have any? And therefore

I think, Sir, we ought to endeavour to prevent it, by consulting in the first place how to suppress Popery, and prevent a Popish Successor, which is my humble Motion.

Mr. Speaker,

R. M. Sir, you have heard what an influence the Popish Party hath had in the management of all our Affairs of greatest importance, almost ever since his Majesties happy Restauration, how the making of Peace, or War, and foreign Alliances, hath been overruled by that Party, to the great danger of the Nation, and Protestant Religion both at home and abroad. Insomuch as it may be justly feared, that there is a general design to root out that Religion from the face of the Earth, which may not be difficult to be done, if by establishing Popery here, assistance to the Protestants abroad may be prevented, or by destroying the Protestants abroad (which are so many bulwarks to us) we should be left to resist alone. You have also heard how that Party hath influenced the Resolutions made touching Parliaments and Affairs here at home. The truth is, Sir, that Interest is *crept* into our *Court*, and hath a *great power* in our *Councils*, it is *crept* into our *Courts of Justice*, and hath a *great Command* in our *Army*, our *Navy*, our *Fort*s, and our *Castles*, and into all places upon which our security depends. And it is impossible it should be otherwise, as long as we have a *Popish Successor*, and that party the *hopes* of a *Popish King*. And I humbly conceive, that it is very obvious, that as long as that Party hath such a power, not only our Religion, but the life of his Majesty and the whole Government is in danger. And therefore I

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think

I think we cannot better comply with our duty to our King and Country, than in resolving to use our utmost endeavours to extirpate Popery, and prevent a Popish Successor, and therefore I would desire you would be pleased to put the Question.

Resolved, That it is the Opinion of this House, that they ought in the first place to proceed effectually to Suppress Popery, and prevent a Popish Successor.

The 27th of October. 1680.

Mr. Speaker,

H. B. **S**IR, yesterday you made a Resolve, Declaring what you intended to do in reference to Popery, by which you may conclude, you have made many enemies at Court, or of such as usually frequent it. And it may justly be expected, that they will rather use their endeavours to *destroy you* than permit you to *destroy them*. And if we may take our measures from the Power they have discovered, in the dissolution of the last Parliaments, and many Prorogations of this, in a time when there was never more need for the *Sitting of Parliaments*, because of the great danger that did arise from that party, we may conclude, it may be possible for them to do the like again. Therefore that we may not be wanting in doing what we can, in order to create in his Majesty a good Opinion of this House, let us make an humble Address to his Majesty, to assure him of our Loyalty

alty, and readiness to stand by him with our lives and fortunes. And that when his Majesty shall be pleased to grant us such Bills, as are absolutely necessary for the security of the Protestant Religion, we will be ready to supply him with what Money his occasions may require, for the support of his Government, and the Protestant Religion both at home and abroad.

Sir, I do not move this without some reason, I am jealous that those which are for the Popish Interest, do endeavour to represent this *Parliament* to his Majesty Phanatical and Seditious, that we will do nothing but arraign his Government, wound his Ministers, destroy his Brother, and endanger his Royal Person, and that no supplies can be expected from us. Which false suggestions of that wicked Party, we may do well to prevent. And therefore, I humbly move you, that a Committee may be appointed to draw up some such Address, upon the debate of the House.

To which several persons made Opposition, alledging that in the late *long Parliament*, they had often been drawn in, to give Money by such Addresses, and that in that Parliament no such Addresses was ever made but it ended in Money, because the word of a *House of Commons* pledged to the King, is alway to be understood, as may best preserve the reputation of the House, which ought to be kept inviolable.

It was answered, That it was not strange that it was so in the *long Parliament*, being composed of so many *Pensioners*, who were to have a share of what they gave, but the case

being now altered, and the Parliament composed of Persons that disdained such Wicked practices, and the House being Masters of their own Votes, there could be no danger of making such an Address in that House.

Resolved, That an Address be made to his Majesty, declaring the Resolution of this House, to preserve and support the King's Person and Government, and the Protestant Religion at home and abroad.

Mr. Speaker,

Sir G. G. I crave leave to mind you of a great Infringment which hath been made of the Liberty of the Subject, since the last Session of Parliament. Sir, many good Protestants thinking it very strange, that *two Parliaments* should be Dissolved, without doing any thing material against Popery, and a third so often Prorogued in a time of such imminent danger; and foreseeing the Ruine such delays might bring upon them, Resolved to Petition his Majesty, and accordingly in several Counties and Corporations, Petitions, humbly praying his Majesty to *let the Parliament Sit*, were drawn up, and Signed by many Thousands of his Majesties good Subjects, in a peaceable and quiet way, and delivered to his Majesty by no greater number of Persons than is allowed. But although this was conformable to Law, and the duty of good Subjects, considering what danger his Majesties Person and the Protestant Religion was in, yet it was traduced to his Majesty as Seditious and Tumultuous, and *forbidden by a Proclamation*, and great affronts and discouragements given to such, as either promoted or delivered the said Petitions,

Petitions, and at last several Persons in many places were set up to declare at the Assizes, and other publick places, an Abhorrency and Detestation of such Petitioning.

Sir, I humbly conceive the Subjects of *England* have an undoubted right to Petition his Majesty *for the Sitting of Parliaments*, and redressing of Grievances; and that considering the Circumstances we are under, we have no reason to lose it. If it should be our unhappiness to have a *Popish King*, may he not be surrounded with *Popish Councillors*, so as that poor Protestant Subjects may be debarred of all other ways whatsoever of making known our Complaints to him, and must we lose this too? Sir, I think it so necessary, and material a Priviledge of the Subject, as that we ought without loss of time to assert our Rights to it, and therefore I humbly move you to make some Vote to that purpose.

Mr. Speaker,

Sir F. W. Sir, I am not only of opinion with that worthy Member that spoke last, as to making a Vote for asserting the Right of the Subject to Petition their Prince, but also for chastising of those who have been so wicked and abominable, as to traduce it and abhor it. And to that purpose, I think, Sir, it will be convenient that we find out who advised or drew that Proclamation against it, and examin how a Petition that was made in *Berkshire*, was order'd to be taken off the File at a *quarter Sessions*, if worthy to be so called, there being but four Justices of the Peace, and two of them such obscure Persons as I cannot get their Names. And al-

so make some inspection into those *Addresses* that have been made against *Petitioning*, and by whom contrived, signed, or delivered. But this must be a work of time; for the present I humbly move you to pass one Vote to assert the right of the Subject to Petition the King, another of Censure on those persons that have traduced it, and to appoint a Committee for your further proceeding herein.

Resolved, That it is, and ever hath been the undoubted Right of the Subjects of England, to Petition the King, for the calling and sitting of Parliaments, and redressing of Grievances.

Resolved, That to traduce such Petitioning as a Violation of Duty, and to represent it to his Majesty as Tumultuous or Seditious, is to betray the Liberty of the Subject, and contributes to the Design of Subverting the ancient Legal Constitution of this Kingdom, and introducing Arbitrary Power.

Resolved, That a Committee be appointed to enquire after all such Persons that have offended against the Right of the Subject.

Mr. Speaker,

S. T. Sir, I am very glad these Votes have past so Unanimously, for Popery and Arbitrary Government, can never be set up in this Nation, if we could be sure of frequent Parliaments. And therefore the asserting of the Right of the Subject in any thing which tends to that, may be of great use to this Nation. But, Sir, seeing you have taken this business into your consideration, I think, we may do well to go a little

tle further with it even at this time. I am informed some Members of the House are Guilty of having acted contrary to these Votes, and I am of opinion, that as *they were not willing that we should sit here, so that we should be as willing not to have them sit amongst us.* For if it were a great crime in others, much more in those that were chosen to assert the Rights and Liberties of the People. It is very unlikely, that Men of such Principles, should make good Parliament-Men, and I think it will very well consist with the Justice of the House to begin with a Reformation amongst our selves, and therefore I humbly move we may first proceed against such.

Being commanded to name such Members, he named Sir *Francis Withins*, who not being in the House, was order'd to attend the next day. Where, after he was heard in his place, was order'd to withdraw, and *Censured to receive the Sentence of the House upon his Knees, and to be expell'd the House.*

The Second of November.

SIR *Francis Winnington* made a Report of what was found in the Lords Journal relating to the horrid Popish Plot.

Mr. *Treby* reports what by order of the secret Committee he reported to the last Parliament, relating to the Popish Plot.

After some Debates thereupon,

Resolved, *That the Duke of York's being a Papist, and the hopes of his coming such to the Crown, hath given the greatest countenance and incouragement to the present Designs and Conspiracies against the King, and Protestant Religion.*

Resolved, *That in defence of the King's Person and Government, and Protestant Religion, this House doth declare that they will stand by his Majesty with their Lives and Fortunes, and that if his Majesty should come to any violent Death, which God forbid, they will revenge it to the utmost on the Papists.*

Mr. Speaker,

S. T. Sir, I have observed from the Reports that have been read, and all the Evidence that I have heard about the Popish Plot, that it hath its *Original*, as you have Voted, from *James Duke of York*, and it is not probable in my opinion, that the *Popish Interest* can ever decline, as long as there is a *Popish Successour*, and they have such hopes of his coming to the Crown; and therefore I humbly intreat you that a Committee be appointed to *draw up a Bill to disable James Duke of York, from Inheriting the Imperial Crown of this Realm.*

Ld. R. Sir, If we consider the *train of ill Consequences*, that attend the having of a *Popish Successour*, and the *certain miseries* that must fall on this Nation, if ever we should have a *Popish King*; and how impossible the one, or improbable that the other can be prevented, but by *disinheriting the Duke of York*: I think that as we cannot

cannot disagree, as to the sadness of our condition, so it will be hard to find out any other way to secure us ; and therefore I second the motion that was made by that worthy Member, that a Committee be appointed to bring in a *Bill to disinherit James Duke of York*.

Mr. Speaker,

W. H. Sir, I think we shall do ill to be meal-mouthed, when our throats are in such danger ; therefore I will not be afraid to speak out, when speaking plain English is necessary to save our King and Country. Have we not heard, and is it not apparently true ; that Peace, and War, Foreign Alliances, Meetings, Dissolutions, and Prorogations of Parliaments, Tryals at *Westminster-Hall*, Resolutions in Council, and other things of importance, have been influenced by a Popish Party, or Interest ; and can we, Sir, imagin that these great things should be done by a less man, *than James Duke of York* ? Hath not the examination of the Plot, in which the King's Life and all our safeties is so much concern'd, been kept off to admiration, and the Witnesses discouraged even to despair ? Have not Counter-Plots been set up, and carried on with a strong hand, and false Witnesses in abundance to destroy the true ones ? From what Cause can such strange unheard of Effects proceed ; but from the Power and influence of a *Popish Successor* ? And we have no great reason to admire at it, if we consider how usual it is for *Politicians*, to be given to flattery, and to be led by ambition, and how natural it is for Courtiers and great Ministers of State to worship the rising Sun. And, Sir, is it not easie to foresee

foresee, what great miseries may come to this Kingdom by such kind of managements; can any man imagin, that as long as *there is a Popish Successour*, there will not be a *Popish Interest*, and that by his assistance it shall not be strong enough to contest with the Protestant Interest. Or rather have we not seen it for many years already; and how can it be otherways, as long as no Office small or great is disposed of without his approbation; no, not so much as *preferment in our Protestant Church*. And I think *unless you can destroy that in which the Interest centers, you will never destroy the Interest it self*.

Sir, I have no ill will for the *Duke's Person*, but rather a great veneration as he is descended from our past, and as Brother to our present King. But I think it ought not to stand in competition with my Duty to my King and Country; which can never be safe as long as this Interest is so predominate. And I think there is no other way to suppress it, but by going to the roots first; and therefore I agree in the Motion that hath been made for appointing a Committee to bring in *a Bill to disinherit James Duke of York*.

Mr. Speaker,

W. G. Sir, I agree with those worthy Members, that have spoke to this present business, that Popery hath for a long time had a great Influence in the management of our Affairs; and that the Protestant Religion and Government of the Nation, is much in danger thereby. But I hope that the prudence of this House may find out some Expedient to secure the Nation, more likely to be brought to perfection, than this of the Exclusion Bill. We all know, that his

his Majesty in his Speech at the opening of the Session, and formerly hath declared, that he will consent to any thing you shall offer for the security of the Protestant Religion; provided it consist with preserving the Succession in the due Legal course of Descent. As his Majesty is Gracious to us, so I know, we are all willing to carry our selves with all respects and duty to him; he offers you to consent to all other ways you can propose, but seems resolved not to consent to this way you are now upon. For my part, Sir, I am more afraid of an Army without a General, than of a General without an Army; and therefore, I think, that if, instead of ordering a Committee to bring in a Bill for disinheriting of the Duke, you bring in a Bill for banishing all the Papists out of this Nation, and other Bills for having of frequent Parliaments, and to secure good Judges, and Justices, that so the Laws you have already, as well as what more you may make, may be duly executed, it may do as well, and be more likely to have good success. And therefore I would humbly move you, that we may try these other ways, and not offer to put this hardship upon his Majesty, seeing he hath declared against this Bill, lest by displeasing his Majesty, we should interrupt all other Affairs, which at this time may be very unfortunate to this Nation, and our Neighbours too. The Eyes of Christendom are upon the Success of this Meeting, and the Peace, Quietness, and Honour of the Nation much depends thereon; and therefore, if the going on with this Bill should occasion a Breach (which
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for several reasons I am much afraid of) it may prove one of the greatest misfortunes that could befall us. Sir, moderation in all things, will always become this House, but especially in a business of so high a Nature. The Duke hath not yet been either heard or found Guilty, how can we then answer the passing of so severe a Sentence; we ought to be very careful in a business of this Nature, that we do nothing but that we may be able to answer to the whole World. And therefore, Sir, I think that seeing his Majesty hath declared, that he will not agree with us in this Bill, and other Bills may be as effectual; I would humbly move you to think of some other way, and for that purpose to appoint a day to have it debated in a Committee of the whole House.

Mr. Speaker,

Sir H. C. Sir, I cannot agree with that worthy Member that spoke last, and yet I have formerly given some proof that I have been for Moderation, and (God willing) shall always be for it, when it may do good. In the two last Parliaments I did so argue for moderation, that many of my Friends told me that I had deserted the true Interest of my King and Country; but as the Loyalty which I pretend to derive from my Birth, made me slight such surmises, so it shall always preponderate with me in all my Actions. Sir, I am of opinion that this is a case, in which there is no room for moderation, if by moderation be meant the making of any other Law for the Security of our Religion. Because according to the best judgment I can make upon a full consideration of the

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the matter, all other Bills that can be desired, without this Bill, will not prove effectual; but will leave us in that unhappy condition, of contesting with the influence of a Popish Successor during this King's life, and with the Power of a Popish King hereafter. Of what danger this may be to his Majesties Person at present, and ths Protestant Religion for the future, I leave to every one to judge. It hath been said, that take away the Army, and you need not fear the General; but I say, that a General that hath the Power of a King, will never want an Army. And our condition is so bad, that I am afraid we shall not be safe, without being free of the General and Army too; which I think, Sir, as the case stands, we ought in prudence to do, or else I am afraid, we shall give but a bad account to our Country, of having done any thing to the purpose for the securing of our Religion. And therefore I am of opinion, you are under a necessity of having this Bill brought in.

Mr. Speaker,

S. T. Sir, I observe that the Arguments that have been offer'd against the bringing in of this Bill, are grounded on his Majesties Speech, and on a supposition that other Bills may be as sufficient for our security, and more facilly obtained, seeing his Majesty hath so often declared that he will not consent to altering the Succession from its Legal course of Descent. Sir, the King calleth his Parliament to give him advice, and they cannot therein be restrain'd, but may give any advice which they think may be necessary for the security of his Person and Government. And it hath oftentimes hapned
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that Parliaments before now have many times offer'd such advice to the Kings of this Nation as have not been grateful to them at first, and yet after mature deliberation, hath been well re-sented, and found absolutely necessary. When *Clifford*, or who else it was, had perswaded his Majesty to grant a Toleration in 1672. and to tell the Parliament in his Speech then made to them, that he would stand by it, and make it good, yet that House of Commons finding it of dangerous Consequence, and humbly offering such their advice to his Majesty, he was pleased notwithstanding the said Speech, to cancel the said Toleration. And if he had not, (as we are in a bad case now) so we might have been in a worse then. For ought I know, if that House of Commons had been so great Courtiers, as not to have concerned themselves in that Toleration because of his Majesties Speech, the Nation might have been ruin'd by Papists before this. And I think, we are now under as great danger, and I hope, we shall not be less courageous, nor true hearted. If a Man were sick of a Plurisie, and nothing could save his Life but Bleeding, would it not be strange if his Physician, after having pretended that he is hearty for his cure, should allow him all other Remedies but Bleeding. Nothing like this can be presumed of his Majesty, of whose Wisdom and Goodness we have had so great Experience. And as to the second Branch of the Supposition, that other Laws may secure us as well, I have not heard any Arguments offer'd to make it good, and I must confess, I cannot apprehend there can be any. I am sure the Experience

rience of former times, shews us the contrary. It is plain from them, that *Popish Princes have not thought themselves bound by any Laws against the interest of that Church, and our forefathers have found to their sorrow, that the Strength of our Laws were not sufficient to defend them against Popish Tyrannies.* For no Prince of that Religion, ever yet thought himself bound to keep faith with Hereticks. After *Queen Mary* had seriously Pledged her Royal Word to the *Suffolk men*, to allow them their Religion, by which they became the greatest instruments of putting the Crown on her head, did she not in return put the Crown of Martyrdom on theirs. All other Laws that you can propose in this Case must be grounded on some trust or fidelity that must be reposed in that party, for which no Argument can be given, *but that they never kept any Faith with Hereticks, and therefore that we may do well to try what they will do.* This I might prove by a sad melancholly account of the Massacres at *Piedmont, Paris, and Ireland*, but I suppose the History of them is well known to every one here, and therefore I will not trouble you therewith.

We are advised to be moderate, and I think we ought to be so, but I do not take moderation, to be a prudent Virtue in all cases that may happen. If I were fighting to save my Life, and the lives of my Wife and Children, should I do it moderately? If I were riding on a Road to save my Throat from Thieves, and I should be advised to ride moderately lest I spoil'd my Horse, would not such advice seem strange at such a time? and so certainly would it be, if I
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were in a Ship (which may well be compared to a Common-wealth,) and it were sinking, would not the advice to pump moderately for fear of a Feaver seem strange? But, Sir, I admire, seeing moderation is so much talked of, of late, and so much recommended, *Why there cannot be other Objects found out, on whom to place it, as well as on the Papists. I know not why it should not be as agreeable to Christian Charity, and more for the Protestant Interest at this time, because it may tend to Union, to place it on the Protestant Dissenters, seeing we agree with most of them in points of Faith, and only differ about a few Ceremonies.* The moderatest and meekest man that ever was, seeing an Egyptian struggling with an Israelite, he Slew the Egyptian, but at another time seeing an Israelite struggling with an Israelite, it is recorded in holy Writ, he parted them, saying they were Brethren. Of late many are at work to perswade us, that the Church hath no Weapons but prayers and tears, this is a notion come up amongst us since the breaking up of the Plot, and as far as I can observe, is only to hold good against Popery, for against Protestant Dissenters we have always had and can still find other Weapons. Sir, I will not trouble you farther, but conclude with my Motion for bringing in of the Bill.

H. made a Speech reflecting on the Duke and Lord Clarendon for making up the Match for the King, as if they did it because they foresaw that the Queen would have no Children, and particularly on the Duke for the loss of my Lord Sandwich, for clearing of persons taken in the fire of London, the death of Sir Edmondbury Godfry, &c.

Mr.

Mr. Speaker,

L. H. Sir, I am sorry to see a matter of so great importance, managed in this House with so much bitterness on the one hand, and with so much jesting and mirth on the other; I think it a serious thing we are about, and that more Gravity would very well become not only this House, but the Subject of the Debate also. It is to me very unpleasant to hear a Prince that hath so well deserved of this Nation, by Fighting our Battels, and so often appearing for us in War, so upbraided. I am apt to think he was far from being of opinion the Queen would have no Children, and that he scorned any of those other Actions that have been laid to his Charge, and therefore to hear such things said is a great provocation. But being I know where I am, I will lay my Hand upon my Mouth. But I hope you will pardon me, if to comply with the obligation of Nature, I declare my self much concern'd to see the ashes of my dear Father thus raked out of the Dust, and to hear his Memory blasted by an Affirmation which cannot be proved. Because I am confident he was not Guilty. He and his Family suffer'd enough by his misfortunes, occasion'd by dark Interests and Intrigues of State. Many think he was severely chastised while living; I am sorry to see that some others cannot spare him though dead. But for my comfort, I have heard that he was a good Protestant, a good Chancellor, and that we have had worse Ministers of State since. But I will not trouble you further, but apply my self to the Business under Debate. Sir, I am of opinion that the bringing in of this Bill will be

a great hindrance to the business of the Nation, and not attain your end. And also I am concern'd for the Justice of the House, for though the Duke deserve great mortifications, because he hath given so great a suspicion of his being inclined to that Religion, and I believe doth not expect to come now to the Crown, on such Terms as formerly, but with such limitations as may secure the Protestant Religion; yet I think it very hard for this House, to offer at so great a Condemnation without hearing the Person concern'd, or having had any preceeding Process. For my own part, I make it a great question, whether it would be binding to him, or a great many other Loyal Persons of this Nation, and if not, it may occasion hereafter a Civil War. And without any just fear, or cause; for the King may very well out-live the Duke, and then all that we are about, would be unnecessary; and why should we, to prevent that which may never happen, attempt to do that, which we can never answer, either to our King or Country. I cannot apprehend that our case is so desperate, but that we may secure our selves some other way, without overturning Foundations. I cannot fear a General without an Army. By ridding our selves of all other Papiests we may be safe, making such other Laws to bind the Duke as may be necessary by the Name of *James Duke of York*; which, & the small Revenues which belong to the Crown, without the assistance of Parliaments, with such other Laws as may be contrived, I humbly conceive may be sufficient for our security, and therefore it ought to be considered in a Committee
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of the whole House, that such as are for these Expedients, may have more freedom of debate.

Mr. Speaker,

S. T. Sir, I must beg your leave to speak again, according to the orders of the House, being reflected on. I can assure you, Sir, that what I have said upon this Subject, is so far from proceeding from a merry jolly humour, that it is rather from as great sorrow as ever my heart endured, being very sensible what dangers we have undergone, and what miseries we may hereafter suffer by means of the Duke's being of this Religion. I hope, Sir, that offences that proceed from Natural Infirmities, will always find a favourable construction in this House. If that Honourable Member that spoke last, had but considered that all men have not that good fortune to be born with such a grave, majestick, sober aspect, as that, let them say what they will, it looks serious and weighty, he would not have been offended at my Discourse; but, Sir, for the satisfaction of the House that I am not in jest in this Business, I do declare that I should be very sorry to be thus jested with myself.

Mr. Speaker,

Sir L. J. Sir, the question that ariseth from this Debate, is whether we had best proceed by an Extremity, or by Expedients. For I look on this Bill to be of the highest Nature that ever was proposed in a House of Commons, and the greatest Extremity imaginable; which I humbly conceive we ought not proceed to, until we have made some Tryal of Expedients, which will be very useful. For it will give a

great satisfaction; not only to his Majesty but to all other Persons in general that are against this Bill, by which the World will see that we were very cautious, how we offer'd at such an extremity, and that we did not do it until we had found all other ways and means whatsoever insufficient. I must confess, Sir, I think such a Bill would be against Law and Conscience, and that nothing less than an Army will be necessary to support it, and therefore I humbly move you, that we may debate this business in a Committee.

Mr. Speaker,

B. Sir, I admire to hear that Honourable Member make a doubt as to the *Legality* of this Bill; certainly, Sir, our Legislative Power is unbounded, and we may offer to the Lords and so to his Majesty, what Bills we think good. And it can as little be doubted, that the *Legislative Power of the Nation, King, Lords, and Commons*, should Want a Law to make Laws; or that any Laws should be against what Laws they make. Otherways they cannot be Legally opposed. And as I think it cannot be against Law, so neither against Conscience, unless it could be made out that we ought in Conscience to bring in Popery. I should be very glad to hear any arguments to make good what hath been offer'd about Expedients, but I am afraid when they come to be examin'd to the bottom, they will be found very insufficient, and that we may as well think of catching a Lyon with a Mouse-trap, as to secure our selves against Popery by any Laws without the Exclusion Bill. Have we not to do with a sort of people, that cannot be bound by any Law

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or Contract whatsoever? much less can their words or promises be depended on; are they not under all the Obligations that can be offer'd from the Temptations of this life, as of that to come, not to keep Faith with Hereticks, but to break it when it may tend to the promoting of the Catholick Cause? And if Laws cannot bind other Persons, much less will it Princes that are of the Catholick Religion? Did they ever keep any League or Contract that was made with Protestants, longer than was necessary in order to cut their Throats? What use did the Papists make in *Ireland* of the Favours granted them by King *Charles the First*, did they not make use of it to the Destruction of the Protestants, by rising up in Rebellion and Massacring 100000. Sir, I see things go hard against Popery, I know not what to say to it, but I am afraid that if we should be so infatuated, as to let it creep on more and more upon us, and at last let it ascend the Throne again, that we shall soon have the same miserable fortune our forefathers had in *Queen Mary's Days*; and be burnt in *Smith-field* for our indiscretion.

Sir, we are upon a business of as great importance as ever was debated within these Walls, for either we must suppress Popery, or be suppressed by it. For although that Interest do not look so big, as that of the Protestants, yet I plainly see that it hath wrought like a Mole under ground for a long time, and that it hath eaten into our Bowels, and will soon come to the vital Parts of the Protestant Religion, and destroy it too, if great care be not taken,

and that speedily. I hear some say, that our cares are needless at this time, because the King may out-live the Duke, which is as much as to say, there is no need of Laws against Popery, until we see whether we shall have occasion to make use of them or no. But they do not tell us, how we should be sure then to obtain them. I must confess, such arguments are so far from weighing with me, as that they increase my fears, because it discovers a strange easie, careless, indifferent humour amongst us Protestants. Must our Lives, Liberties, and Religion depend upon may-bees? I hope it is not come to that yet, I am sure, it will not consist with the Prudence of this Assembly to leave it so, but rather to endeavour to settle this matter upon such a Foundation, as may (with as much probability as humane things are capable of) secure us. I am of opinion that such an Engine may be contrived as should give such a whirl to the Popish Interest, as that it should never rise up against us again, I know of no difficulty but the same which hapned to *Archimedes*, where to fix it. And I am not altogether at a loss for that neither, for so long as we have a good King, I will not despair. And, Sir, I cannot fear any of those things that are objected against this Bill, that it is against Law, and therefore will occasion a Civil War; *for my part, I will never fear a Civil War in favour of Idolatry, especially when we have gotten a Law on our side to defend our Religion.* Therefore I move you that the Bill may be brought in.

Mr. Speaker,
 Sir T.P. Sir, I have read in Scripture of one man
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dying for a Nation, but never of three Nations dying for one man; which is like to be our case. There hath been already so much said on this matter, and the reasons that have been given for the bringing in of the Bill are so plain, that I should not have troubled you to have said any thing about it, but that I knew not how to have answered it to that great City for which I serve, not to have appeared in this business, in which the Protestant Religion is so much concern'd. But, Sir, being I am up, I will beg leave to acquaint you, that I have been lately in company with a great many Persons, where I have heard the *Duke cryed up, and the King so slighted,* that I must confess they made me afraid, they had thoughts of acting over here what was lately done in *Portugal*. Believe it, Sir, many are very industrious to make an Interest for the Duke; if we should not use our endeavours to keep up the King's Interest, and that of the Protestant Religion, I am afraid they will be encouraged to embroile us in blood before we are aware of it. I have no patience to think of sitting still, while my Throat is a cutting, and therefore I pray, Sir, let us endeavour to have Laws that may enable us to defend our selves. And I know not, how we can have any that are like to prove effectual, without this for excluding *James Duke of York*; and therefore I humbly move it may be brought in.

Mr. Speaker,

E. S. Sir, I have by many years experience observed, that it is very agreeable to the Custom, Prudence, and Justice of this House, to debate all things very well before a question is

put, but especially of great importance. It hath formerly been thought a great thing, and hard to be born by some Princes, that any thing relating to the Prerogative of the Crown, should be debated any where but in their Privy Council, and I have observed that former Parliaments have done it with a great deal of tenderness. And if so, well may a Bill that tends to the alteration of the Succession pretend to the right of having a full and fair Debate, which I hope, this Solemn Assembly will not deny. Many being to take their Resolutions from it in as great a point as ever was debated in a House of Commons, for which we shall be answerable to our own Consciences, as well as to our King and Country. It is these great Considerations make me trouble you at this time, otherwise I might happily have been silent, because I am one of those that have been shot at by Wind-Guns, which have prejudiced my Reputation, and therefore until I should have had an opportunity to vindicate my self, and to shew that I am an Enemy both to Popery and Arbitrary Government; I was more inclined to have been silent, and should not have troubled you, if the Nature of this Business had not laid on me a more than ordinary Compulsion. I do not doubt but every one that Sits here, is willing to take notice of what Arguments may be offer'd *pro* or *con*, it being the only way to pass a Right Judgment in this matter, which is very necessary, because what Resolution you may take upon this Debate, will be examin'd not only within his Majesties Dominions, but by most Princes and Politicians in *Europe*. And therefore that

that you ground your Resolution on such solid Reason, that may endure the Test of a Plenary Examination, will be very necessary for the securing the Credit of this House, of which I know you are very tender.

Sir, I must confess I am very much against the bringing in of this Bill, for I think it a very unfortunate thing, that whereas his Majesty hath prohibited but one thing only, that we should so soon fall upon it. I do not see there is any cause, why we should fear Popery so much, as to make us run into such an extream. We are assured there can be no danger during his Majesties Life, so upon an impartial examination, we shall find there can be no great reason to fear it after his Death, though the Duke should out-live and succeed him, and be of that Religion. Have we not had great experience of his love for this Nation, hath he not always squared his actions by the exactest rules of Justice and Moderation? Is there not a possibility of being of the Church, and not of the Court of *Rome*? hath he not bred up his Children in the Protestant Religion; and shewed a great respect for all Persons of that profession? would it not be a dangerous thing for him (I mean in point of Interest) to offer at any such alteration of the Religion established by Law? can any Man imagin that it can be attempted without great hazard of utterly destroying both himself and his Family? And can so indiscreet an attempt be expected from a Prince, so abounding in Prudence and Wisdom? But though we should resolve to have no moderation in our proceedings against Papiſts, yet
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I hope we shall have some for our selves. It cannot be imagined that such a *Law* will bind all here in *England*, any in *Scotland*, and it is disputed whether it will be binding in *Ireland*, so that in probability it will not only divide us amongst our selves, but the three Kingdoms one from the other, and occasion a miserable Civil War. For it cannot be imagined, that the Duke will submit to it. And to disinherite him for his Religion, is not only to act according to the Popish Principles, but to give cause for a War with all the Catholick Princes in *Europe*; and that must occasion a standing Army, from whom there will be more danger of Popery and Arbitrary Government, than from a Popish Successor, or a Popish King. Sir, it is very agreeable to the weight of the Matter and the usual proceedings of this House, that this business should be fully debated, and therefore I humbly move you it may be in a Committee.

Sir R. G. made a long Discourse, shewing the Dangers and Miseries of a Civil War, by a large account of those between *York* and *Lancaster*. That this Bill if it should pass would lay a foundation for such another. That it would not be binding either to *Scotland* or *Ireland*, and so consequently occasion a Division between the three Kingdoms, which had formerly been the occasion of Wars and Miseries, as well as our own Divisions amongst our selves. Then gave an Historical account, to make out how fatal Divisions had proved to other Nations, and instanced in *Theodosius*, and others. That he thought it absolutely necessary, if this Bill must be brought

brought in, to prevent a Civil War, that the Successour should be named, which would need a great deal of consideration ; and if to debate business of smaller importance, it is usual for the House to resolve it self into a Committee, how could it be answered that it should not be done in a business of so great importance, that so Expedients might be offered and debated with more freedom and satisfaction than it was possible they could be in the House.

Mr. Speaker,

Sir W. P. Sir, I am of opinion that *Expedients in Politicks* are like *Mountebank-tricks in Physick* ; as the one does seldom good to Bodies Natural, so not the other to Bodies Politick. Government is a weighty thing, and cannot be supported nor preserved but by such Pillars as have neither flaws nor cracks, and placed on a sure Foundation. And I am afraid that all Expedients will be found to have far different Qualifications. I cannot foresee how the excluding of one Person who hath a right to the Succession depending upon Contingencies, upon such an account as this is, should occasion a Civil War, but rather do think there is a great deal more danger, not only of a Civil War, but of our Religion and Liberty too, if we should not do it, and so have a Popish King. For I do believe that such a King would soon have a Popish Council. For if there be eleven to seven now for the interest of a Popish Successour, what may you not expect when you have a Popish King ? And should you not then soon have Popish Judges, Justices, Deputy-Lieutenants, Commanders at Sea and Land, nay, and Popish Bishops too. For
if

if there be none put into any of these places now, that are for acting against a Popish Successour, well may we expect that none shall be put in then, but what are for a Popish King. And therefore I am astonisht to hear any Man that pretends to be a Protestant, argue, that in such a Case we need not fear Popery; for it is indeed to argue for Popery, and must proceed from an opinion that the Protestant Interest is very low, and not able to bear up longer against Popery, or else that Protestants are very credulous and inconsiderate, and may be brought to destroy themselves with their own hands. Must our Religion and Liberty have no Security but what depends on the Vertues and goodness of a Prince, who will be in subjection to the Pope, and probably influenced by none but Jesuits and such Creatures? will it seem strange that such a Prince should compose his Privy Council of Persons inclined to that Religion, or that he should employ any others as Judges, Justices, Sheriffs, or Commanders in any place of Trust either at Land or Sea? And can we think that by the many endeavours which will be used, that the Common People will not be debauched, and either be misled, or made indifferent in a little while? Is it not in the power of the King to nominate his Counsellors, Judges, Sheriffs, Commanders at Sea and Land, and can it be imagined that he will not take care to nominate such as shall be for his turn? Certainly, Sir, no man can imagin that the Protestant Religion can long be preserved under such a King, but such as cannot or will not see at a distance what a change such a Scheme of Government will soon produce, and how likely it is

is that it will be set up and practised, if ever we should have a Popish King. And as I do think that our Religion can never be secured without this Bill, so I do not fear that it will occasion any Civil War, or any Division between this Kingdom, *Scotland* or *Ireland*; but rather I believe it will be a means to reconcile the Protestant Interest, and to settle the Government upon such a Bottom as will prove invincible. In *Scotland* the major part of the People hate Popery as well as we, and so do the Protestants in *Ireland*; and therefore certainly it will be their Interest to join with us against a Common Enemy, and not to divide. And whereas it hath been suggested, that this Bill will ingage us in a War against all Catholick Princes, I look upon it as a Bugbear, and do believe that we shall gain many Friends by being settled as we may by having this Bill, *because then we may be formidable to our Enemies, and serviceable to our Allies, but never without it.* And, Sir, *this is not to disinherit a man for his Religion, but because he hath rendred himself incapable to govern us, according to our Laws, which whether it proceed from his Religion, or any thing else, is all one to us.* His being incapable is the ground for our Proceedings, having no other way to preserve our selves. Upon the whole matter I do conclude, that a Popish King and a Protestant Religion are irreconcilable, and have no reason to fear a Civil War, so long as we have a Law for our defence, and a Protestant King to head us, which we cannot expect without passing some such Bill as this under debate. And therefore I humbly move you it may be brought in.

Mr.

D. F. Mr. *Speaker*, Sir, the business you are debating is of so high a nature, that I cannot tell how to speak to it without fear and trembling. To go about to alter the Succession of the Crown, must be of great concernment to all *English* men, and therefore ought to be considered with a great deal of deliberation, for which the Justice, Prudence, and Usage of this House calls aloud, there never having been any business debated in this House, in which so much care was required. Sir, I am unsatisfied with my self, how we can in Justice pass any such Bill as is proposed. For I never heard of any Law, which made an Opinion in Religion a Cause to be disposed of right; in former times it was not so, though there were Princes and Emperors that were Apostates. And Queen *Elizabeth* would not allow of putting any such thing in practice, but rather chose to proceed against *Mary* Queen of *Scots* according to the settled Laws of the Nation. This Nation hath been so unfortunate as to cut off one King already, let us have a care how we cut off the right of another. There is a possibility that the Duke may return to the Protestant Religion, let us not exclude him from such temptations as may be convenient to reduce him. But whatever should be your resolution at last, I humbly conceive there can be no reason given, why a business of this weight should not be debated in a Committee, before you Vote the bringing in of the Bill, that so the Validity of such other Expedients as may be proposed, may be examin'd, and the reasons for and against this Bill be digested as they ought to be. How shall we otherwise answer it to his Majesty, who hath
offered

offered you every thing but this? If there were a motion made for a Bill to give Money, would it not probably be debated in a Committee; by this Bill we are going to give away the right of a Crown, which I take to be more than Money, and therefore I humbly move you that it may be further debated in a Committee.

Mr. Speaker,

H. B. Have not the Papists always proceeded against the Protestants with a barbarity surmounting the worst of Heathens, and must we be so mighty careful how we proceed to hinder them from ruling over us, as that we must stumble at every Straw, and be afraid of every Bush. A man that is in a House that is on Fire, will leap out at a Window rather than be burnt. I do admire how any person, that doth know with what Treachery and Inhumanity the Papists behaved themselves in the Massacres of Piedmont, Paris, and Ireland, their Cruelties in Queen Marys days, lately on Sir Edmondbury Godfrey, and what they had designed against the King, and all of us, can offer any thing to delay, much more to hinder, what is so precisely necessary for the good of the King and Kingdom; especially seeing in this we shall do nothing, but what may be justified by many Laws and Precedents: And if there were none, of which I know there are a great many that are liable to no objection, yet I take it, *That the Law of Nature, and self-preservation would afford us sufficient Arguments.* I think the Sun is not more visible at noon-day, than that the Papists have a design to extirpate our Religion, and that they have done great things in order thereto, even now while

while we live under the Government of a Protestant King, by some invisible Power that hath strangely acted its part in favour of that Interest, in all our Councils and Resolutions in Affairs of greatest Importance; and it is as plain that this is so, because there is a Popish Successor, and that their Interest will never decline as long as there is such a Successor, and the hopes of a Popish King. And now that by the watchful Providence of God, these things have been made so plain to us, is it not strange that any Man should go about to perswade us to be so neglectful and inconsiderate, as to sit still and look on, while the Papists are putting their Chains about our Arms, and Ropes about our Necks, which must be the consequence of permitting a Popish King to ascend the Throne, against which there can be no Law to secure us but this. In *Edward the Sixth*, and *Queen Mary*, and *Queen Elizabeth's* days, was not the Religion of the Prince the Religion of the Nation? did not most of the Privy Counsellors and great Ministers of State, and some Bishops too, change with the times? Is it not customary for great Men to insinuate and flatter their Princes, by being of their Religion? On what must we ground our hopes of Security, in such a Case? On nothing, Sir, but on a Civil War, which such a Prince must certainly occasion. But I do not fear it from this Bill, but rather think it the only way to prevent it, not doubting but that there will be People enough that will give obedience to it, sufficient to execute the Law on such as may be refractory, if any, which can only be Papists and such as may be Popishly affected. The objections as to a Civil War, and disobedience

disobedience to this Law, may as well be made against any other severe Law that we may attempt to make against Papists; and must we therefore let them all alone? I hope we shall not be so inconsiderate, but as we have discovered that their Weapons are near our Throats, so that we shall not acquiesce in any thing less than what may secure us, that so if possible, we may not fall into the hands of such a bloody merciless people, which must infallibly be the consequence of having a Popish King.

And, Sir, as we have much to say for the having of this Bill, so for not having our time lost by going into a Committee at this time about it. When the Bill is brought in, there will be time enough to hear of other Expedients, if any Member will then offer any, of which they will now have time to consider, that so they may be offered particularly, and not only in general. For it doth not consist with the gravity of the House, that they should be put out of their Method they are most inclined to, without good cause. I am afraid there can be no Expedients offered in this case, that can be sufficient, unless such as may shake the Throne as to all future Kings. And I hope we shall be cautious how we enter into any such Debate; for if you should, you may be sure your Enemies will take advantage thereof. And therefore I am rather for the Bill.

Mr. Speaker,

J. T. Sir, have not Popish Kings, as well in other Countries as here, always brought in a Popish Religion? and have we any reason to suppose the like will not happen here, if ever we should have a King of that Religion? Have

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we not undeniable proof, that the great thing designed, by endeavouring at a Popish King, is the rooting out of Heresie out of these three Nations and is not *Rome* and *France* engaged to give their assistance therein, as well as great parties at home, not only of profest Papists, but of some who profess themselves Protestants, but are so but in *Masquerade*? And do they not say that they have so clenched and rivetted their Interest, as that God nor Man cannot prevent their accomplishing their design? And shall we be so indiscreet as to let it creep on thus upon us, and not endeavour to remedy our selves? Let it be never said of this House of Commons, that they were so stupified or negligent of their duty to their Country, or so indifferent in their Religion, or Preservation of their Liberties, as to forget so great a concern. If when we have done what we can, we should be conquer'd by force, or deceived by such little arts and tricks as may be used, a patient Submission to Gods Providence must follow. But to be the occasion of our own destruction, by being supine and inconsiderate, will never be answered to Posterity.

He then justified the Legality of the Bill, by a long Catalogue of Presidents, making out, that the Succession of the Crown had been oftentimes altered by Act of Parliament upon less occasions than this, and concluded with a motion for bringing in of the Bill.

Resolved, *That a Bill be brought in to disable the Duke of York, to inherit the Imperial Crown of this Realm.*

The

The 4th of November, 1680.

A Bill to disable James Duke of York to Inherit the Imperial Crown of England and Ireland, and the Dominions thereto belonging, was read the first time.

Mr. Speaker,

Sir, L. J. Sir, I have spent much of my time in studying the Laws of this Land, and I pretend to know something of the Laws of Forreign Countries, as well as of our own. And I have upon this occasion well considered of them, but cannot find how we can justify the passing of this Bill, rather much against it.

First, I think it is contrary to natural Justice, that we should proceed to Condemnation, not only before Conviction, but before we have heard the Party, or Examined any Witnesses about him, I am sure none in his defence. And to do this, by making a new Law of purpose, when you have old Laws in being, that have appointed a Punishment to his Crime, I humbly conceive is very severe, and contrary to the usual proceedings of this House, and the Birth-right of every English-man.

Secondly, I think it is contrary to the Principles of our Religion, that we should dispossess a man of his right, because he differs in point of Faith. For it is not agreed by all, that Dominion is founded in grace. For my part I think there is more of Popery in this Bill, then there can possibly be in the Nation without

it; for none but *Papists* and *Fifth-Monarchy-men*, did ever go about to dis-inherit men for their Religion.

Thirdly, I am of Opinion that the *Kings of England* have their Right from God alone, and that not no Power on Earth can deprive them of it. And I hope this House will not attempt to do any thing, which is so precisely contrary not only to the Law of God, but the Law of the Land too. For if this Bill should pass, it would change the Essence of the Monarchy, and make the Crown Elective. For by the same reason that this Parliament may disinherit this Prince for his Religion, other *Parliaments* may disinherit another, upon some other pretence which they may suggest, and so consequently by such Exclusions elect whom they please.

Fourthly, It is against the Oath of Allegiance, taken in its own Sense, without *Jesuitical* evasions. For by binding all Persons to the King, his Heirs and Successours, the Duke as presumptive Heir must be understood. And I am of opinion, it cannot be dispensed withal. Sir, I will be very cautious how I dispute the Power of Parliaments. I know the Legislative Power is very great, and it ought to be so. But yet I am of opinion, that Parliaments cannot disinherit the Heir of the Crown, and that if such an Act should pass, it would be invalid in it self. And therefore I hope it will not seem strange, that I should offer my judgment against this Bill, while it is in debate, in which I think I do that which is my duty as a Member of this House.

Henry

Henry the Fourth of France was a Protestant, his people most Papists, who used some endeavours to prevent his Coming to the Crown; but when they found they were not like to perfect their Design without occasioning a Civil War, they desisted, concluding that a Civil War would probably bring on them more misery, than a King of a different Religion, and therefore submitted. Sir, I hope we shall not permit our Passion to guide us instead of Reason, and therefore I humbly move you to throw out the Bill.

Mr. Speaker,

R. M. Sir, the Honourable Member that spoke last, may understand very much of the Laws of other Countries, and Foreign Affairs, but I am apt to think not much of the Laws of this Nation, or else he would not argue that this is a Popish Bill, when it is the only thing that can save this King and Kingdom, and the Protestant Religion, which I hope will never come to that extremity as to need any thing that is Popish to save it. For my part I am so far from thinking that this Bill is so unanswerable as hath been argued, that I think this House of Commons will get as much Credit by passing of this Bill, as that in 1660 did by passing that which brought home the King. *For as the one restored him, so the other may preserve him, and nothing less.* And therefore I think, Sir, you ought not to delay the giving it a second reading, but appoint a speedy day for it.

Mr. Speaker,

J. H. Sir, I do not understand how it can be construed, because we go about to disinhe-

rit the Duke, that therefore it must be for his Religion. For my part I do approve of the Bill, but it is because the Opinions and Principles of the Papists tend to the alteration of the Government, and Religion of this Nation, and the introducing, instead thereof, Superstition and Idolatry, and a Foreign and Arbitrary Power. If it were not for that, I am apt to think the Duke's being a Papist would not be thought a sufficient Cause for this House to spend time about this Bill. And I cannot see the danger of reducing the Government to be Elective by it; for why should we presume that any thing, but the like Cause, should have the like Effect? *Though the Succession of the Crown hath been formerly often changed by Acts of Parliament, yet hitherto it hath not made the Crown Elective, why must we fear it now?* Neither can I apprehend, that the passing of this Bill is contrary to Natural Justice; because we have not heard what the Duke hath to say for himself. The Presidents that might be offer'd to make out, that Parliaments have when they thought good condemn'd Persons by Bill, are numerous, and without any hearing too. But if there were none, to doubt the Power of the Legislative Authority of the Nation, in that or any other case, is to suppose such a weakness in our Government, so inconsistent with the Prudence of our Ancestors and Common Reason, as cannot well be imagin'd, And I do not think we are going about to do any such strange thing neither, but what would be done in other Countries upon the like occasion; but do believe, that if the *Dolphin of France, or*
Infant

Infant of Spain were Protestants, and had for near 20 years together endeavoured the setting up of another Interest and Religion, contrary to the Interest of those Kings and the Catholick Religion, especially if such endeavours had been accompanied with such success as here, and those Nations had been so often by such means reduced so near to Ruine as we have been, by Divisions, Tolerations, Burnings, Plots, Sham Plots at home, and by Wars and Foreign Alliances over-ruled in their favour abroad, but that they would have been more impatient than we have been for this Remedy. And for my own part, I cannot but admire more at the long delay there hath been in seeking out a Remedy against this great Evil, than at our offering at this Bill. For notwithstanding what hath been said, I cannot think our danger so remote or uncertain, as some would suppose it. *Can the King be safe as long as the Papists know that there is nothing but his Life stands in their way, of having a King to their mind, which is the only thing they want to go on with their Designs, and to accomplish their Expectations?* Will it then be an easy thing to withstand such an enraged barbarous people? The more false and unreasonable their Religion is, the more cruelty will be necessary to Establish it. Can it be imagin'd we shall not pay severely, for having shed so much blood of their Martyrs as they call them, and for having enjoyed their Holy Church-Land so long, or that they will not do all that they shall think necessary to secure an entire and quiet Possession to themselves? For my own part, I cannot imagin that the Pride

of those Church-men will be satisfied with any thing less than an utter Ruin and extirpation of us and our Posterities. And I think that nothing can save us but this Exclusion Bill, and thereby I humbly move you to appoint a speedy day for a second reading.

Resolved, *That the said Bill be read a second time, on Saturday Morning at Ten of the Clock.*

The 6th. of November, 1680.

A Bill to disable James Duke of York to Inherit the Imperial Crown of England and Ireland, was read a second time.

Sir R. T. Made several objections against the Tenour of the Bill, as not answering the intention of the House, shewing how, (if not altered) it would occasion an *interregnum*, and that the Clause for limiting the Exclusion to the Person of the Duke only, was not well drawn.

Mr. Speaker,

Sir L. J. In my humble opinion, the Body and whole Tenour of this Bill carrieth with it a great reflection on the whole *English* Nation. For to suppose that one person is able to turn us about to *Popery*, is to suppose that we are either very imprudent, or irresolute, or that we have no great love, but are rather very indifferent in our Religion. And if we may thus disinherit the presumptive Heir, not only the Royal Family,

Family, but the whole Nation, will be subject by such a president to many inconveniences. For by the same reasons the like may be done hereafter upon any other pretence. For, Sir, though we know that this House is composed of Persons that have a great veneration for the *Royal Family*, yet we know not what may happen hereafter; but if some such Bill as this must pass, I humbly conceive there is a great necessity of naming a *Successor*, and not leave that in dispute, least an *interregnum* or Civil War happen thereupon.

Mr. Speaker,

H. B. Sir, because I am of opinion that nothing can at this time be so prejudicial to the Protestant Interest, as to be at a stand, or go backward with this Bill, therefore I should be sorry to see that we should enter upon any Debate of clogging it with any thing that may occasion any delay. There may be more difficulty in agreeing about the Proviso's and Declarations that will be necessary in naming a Successour, than to agree about the Bill it self. And we cannot make the Law plainer than it is in that case. We intend by this Bill nothing but an Exclusion of *James Duke of York*, as the only expedient that can help us in the Exigency the Nation lies under, and it being intended only as an Expedient in reference to him only, and that the Bill shall have nothing in it that can relate to or prejudice the next of Kin, I do not see how there ariseth from that any difficulty more than there was before as to the Succession. And therefore, Sir, let us not confound the Bill with needless Additions. I confess, Sir, I
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am one of those that am in pain until this Bill be past. For the King hath his Breath in his nostrils as well as other men, and although we have all much reason to pray for his long life, so to fear it too: And nothing can tend so much to the securing of his life, as the passing of this Bill; nor ours after his. For how shall we be able to defend our selves against Popery without it? Therefore I humbly move you that we may not spend our time about any such Additions, but commit the Bill.

Mr. Speaker,

D. F. Sir, I have already given you many Reasons against the Bill it self, but more do offer from the wording of it; the Excluding the Duke will not give a Right to the next Heir to take possession of the Crown while the Duke is living, and therefore unless you name a Successour, it will either prove ineffectual, or cause a great disturbance in the Nation by an *Interregnum*. And, Sir, as this part of the Bill is too weak, so the other is too strong: For as it is now penn'd, it may probably Exclude all the Duke's Children, at leastwise leave it so, as that it may prove a great Question, which I suppose you do not intend. Then he stated several Cases in Law, to prove what he had said; and concluded that it was in order to have it further considered at a Committee.

Mr. Speaker.

S. T. Sir, I do not see how you can name a Successour, unless you can in the same Act prohibit the Queen from having of Children, the King from marrying again, the Duke from having of Sons, which would not be more preposterous,

rous, than the many Proviso's which otherwise the Act would require to secure such Issue their Right, which would probably make the Remedy worse than the Disease. And I think, Sir, that in a case of this importance you will be careful how you make Laws that shall be liable to so many difficulties and disputes. And therefore you had better rely on the old Laws you have, than make new ones to perplex the Case. And I do not see how the excluding of the Duke only, can any way infect the Right which his Children may have to the Succession. And therefore I think there is no need of naming a Successour, but let the Bill be committed, and to a Committee of the whole House, and there it may be further debated if necessary.

Mr. Speaker,

Sir R. H. Sir, I tremble to to hear so much discourse about the King's death, and naming him a Successour, certainly the like was never known in any former Age, but rather it was looked on as so dangerous a thing to be discoursed of, as that none durst attempt it, whatever the occasion were. Queen Elizabeth concluded, that the naming of a Successour to the Crown, would be digging of a Grave for her; and therefore I hope we shall never go so far as to put it into an Act. I am for shewing a great respect for the Duke and his Children, but I think we are first bound in Duty to the King, and therefore ought first to shew our Respects to him. Some persons, in my poor opinion, have shewed so much zeal for the Duke's Interest, that I am afraid they have forgot their Allegiance to the King. Can he ever be safe, as long as it is the interest of every

ry Papist in *England* to kill him ? which it will be, as long as there is hopes of a Papist to succeed to the Throne. And therefore I think we cannot answer the permitting of any delay in an Affair of so great importance, and I humbly move you that the Bill may be committed, and that all may have Liberty to be concerned therein, in a Committee of the whole House.

Resolved, That the Bill be committed to a Committee of the whole House. That it be an instruction to the said Committee, that the Exclusion in the said Bill do extend to the Person of James Duke of York only.

That this House do resolve into a Committee of the whole House on Monday morning next, at ten of the Clock, to proceed to the Consideration of the said Bill.

The 8th of November.

THE House then resolved into a Committee of the whole House, to proceed in the Consideration of the Bill, to disable *James Duke of York* to inherit the Imperial Crowns of *England* and *Ireland*, and the Dominions and Territories thereto belonging ; and after many Debates about several Amendments, and Clauses to be added, the Bill was agreed, and reported to the House.

Resolved, That the said Bill with the several Clauses and Amendments be engrossed.

The

The Ninth of *November*, 1680.

A Petition from the Bailiffs, Wardens, and Assistants of the Company of Silk-Weavers, was read.

Mr. *Speaker*,

J. B. Sir, this Petition branches it self first against the Bill that is here afoot, for wearing of Woolen; secondly, against the Importation of Foreign Silks from *France*; and thirdly, against the *East-India* Company. As to the two first Particulars, I shall desire leave to speak my mind, when the Business comes to be debated in the Committee to which you may think good to refer it: but as to the third Branch, against the *East-India* Company, I desire to be heard a little at this time: For, Sir, it will be in vain for you to spend your time in endeavouring to raise the price of Wool, or to advantage the Trade of the Nation any way, unless you do in the first place make some Regulation for the *East-India* Trade. For not only the *Silk Weavers*, but most of the other Trades of this Nation, are prejudiced by the Consumption of Goods manufactured in the *East-India*, and brought hither: For a great many of them are not only spent here instead of our own Manufacturies, but abroad in other Parts to which we send them. They do us the same prejudice, which must in the end be the destruction of our Manufactory Trade both at home and abroad, if not looked after; and the more likely, because the People in the *India* are such

such Slaves as to work for less than a Penny a day, whereas ours here will not work under a Shilling: and they have all Materials also very reasonable, and are thereby enabled to make their Goods so cheap, as it will be impossible for our People here to contend with them. And therefore, because the said Trade hath abundantly increased of late years, that we may not enrich the *Indians*, and impoverish our own People, I humbly move you that this Petition may be referred to some Committee that may take particular care of it.

Mr. Speaker,

J. P. Sir, The Navigation to the *East-India* being by the Industry of long Experience of our Sea-men rendered as safe and secure as to any Country adjacent, and the Trade increased to a great proportion, by such a dangerous way as the Exportation of our Bullion, and Importation of abundance of Manufactured Goods, and superfluous Commodities, and carried on by a few Men Incorporated, who have made it their Business, by all ways imaginable, to secure the Advantages thereof to themselves and their Posterities, not permitting the People in general to come in for any share; I humbly conceive it may not be unreasonable to give you a short Scheme of that Trade, and to make some Remarks as well on the Trade, as present Management thereof; it being settled in a Company, by virtue of a Charter granted 1657. and confirm'd by His Majesty soon after His Restauration.

Sir, It is well known what Advantage redounds to this Nation by the Consumption of our Manufactures abroad and at home, and how
our

our Forefathers have always discouraged such Trades as tended to the hinderance thereof. By the best Computation that can be made, we now spend in this Kingdom *per Annum* to the Value of 2 to 300000 *l.* worth of Goods manufactured in the *East-India*: What part thereof are spent instead of our Stuff, Serges, Cheyneys, and other Goods, I leave to every Mans Judgment, that hath observed how their *Persian* Silks, *Bengalls*, Printed and Painted Callicoes, and other sorts, are used for Beds, Hanging of Rooms, and Vestments of all sorts. And these Goods from the *India* do not only hinder the Expence of our Wollen Goods, by serving instead of them here, but also by hindring the Consumption of them in other Parts too, to which we export them, and by obstructing the Expence of Linen and Silks, which we formerly purchased from our Neighbour-Nations in return of our Manufactures. For when that mutual Conveniency of taking of their Goods in return of ours failed, it is found by experience that our Trade in our Manufactures is failed also: And, Sir, this is not only at present a great but a growing hinderance to the Expence of our Woollen Goods; for, as it hath been observed to you, being the *Indians* do work for less than a Penny a day, and are not without Materials at cheap Rates, we may rather tremble to think, than easily calculate, what this Trade may in time amount to; and may conclude, That it must certainly end in employing and enriching the People in the *India*, and impoverishing of our own.

But, Sir, this is not all: This Trade is carried on by the Exportation of 5 or 600000 *l.* *per Annum*

Annum in Bullion, which is so useful a Commodity, as ought not to be exported in so great a Quantity, especially seeing the Exportation thereof for this Trade hath increased in some years from 200000 *l. per Annum* to 600000 *l. per Annum*: For it may increase to Millions, to the discouragement of the exportation of the Products of our Country, upon which the Maintenance of our Poor, and Rent of Land depends. Whereas by the exportation of so much Bullion, no immediate Advantage redounds to the Nation: and though it is usually affirm'd, That the Trade brings back to the Nation as much Money as it exports, yet upon an inquiry it will be found a mistake. And I think every Nation, but especially this, (which is so well stored with other Commodities for Trade) ought to be very jealous of a Trade carried on by the Exportation of their Gold and Silver, and to be very careful how to allow it, it being dangerous to make that, which is the Standard of Trade, Merchandise it self.

And as these Objections arise against the Trade it self, so there are others against the present management, of which the People do complain as a great Grievance; and I humbly conceive, not without good cause. For the equal distribution of Liberties and Priviledges among the People, which is one of the Excellencies of the Government, is by this Company highly infringed, a very few of the People being permitted to have any share in this Trade, though it be now increased to near one quarter-part of the Trade of the Nation; the Company finding it more for their particular advantage

to take up from 6 to 700000 *l.* on a Common Seal, to carry on their Trade, than to enlarge their Stock ; thereby reaping to themselves not onely the Gains which they make on their own Money, but of the Treasure of the Nation ; allowing to them that lend, 4 or 5 *per Cent.* and dividing amongst themselves what they please, which now within these last 12 or 15 Months hath been 90 *per Cent.* And upon an exact inquiry it will be found, that this Stock is so ingrossed, that about ten or twelve Men have the absolute management, and that about forty divide the major part of the Gains, which this last year hath been to some one Man 20, to others 10000. *l.* a piece. So that here is the certain effect of a Monopoly, to enrich some few, and impoverish many.

It's true, there is such a thing as buying and selling of some small Shares in the Stock sometimes, if any Man will give 300 *l.* in Money for 100. *l.* Stock ; but this amounts to no more than the exchanging the interest of *John Doe* for *Tho. Rowe*, and can be no ways serviceable to bring in more Stock or People into the Trade, and therefore not to satisfy the Complaint of the Nation.

Sir, That you may the better apprehend how unreasonable it is, that this Great Trade should be thus confin'd to the advantage of so few Persons, exclusive to all others, under the Penalty of Mulcts, Fines, Seizures, and other extraordinary Proceedings, I beseech you, Sir, to cast your thoughts on this great Body here by you, and the rest of the Corporations of this Nation, who most live by Trade, and consider how many thou-

sands, if not Millions, there are, whose Lot Providence hath cast on Trade for their Livelihoods; and then, I am apt to believe, it will appear very strange that so great a Trade should be so limited. If three such Charters more should be granted, what should the major part of the People do for Maintenance? Sir, the Birth-right of every *Englishman* is always tenderly considered in this Place: By this Company the Birth-right of many thousands is prejudiced, and may well deserve a serious consideration; and therefore, and because this Company, by having the command of the Treasure of the Nation, cannot be controlled by any less Power than that of a House of Commons, this Business comes, as I humbly conceive, naturally before you.

But, Sir, there is one thing more in the Management of this Trade worthy your Consideration; The great danger which may result, as well to Private Persons as to the Publick, by taking up such an immense Treasure on a Common Seal. Sir, we all know what hapned some years since by the Bankers taking up such great Sums on their Private Seal, how it proved a temptation for the committing of a great Violation on the Subjects Property, which in all probability preceding Parliaments would have prevented, if they had foreseen; though I hope there is no danger that the like will ever be done again; yet, Sir, you may do well to secure it, either by making some Vote, if not a Law, to prevent it. And I am the more forward to move you herein, because I have heard, since I had the Honour to sit within these Walls, that in the late Long Parliament there were Members who by Voting for Money,

Money, got shares to themselves. I have a good opinion of these Gentlemen that at present have the management of the Trade, but if a few such persons as I have mention'd should succeed them, with the same priviledge that these have, of taking up what Money they please on a Common Seal, to what danger might the Treasure of this Nation be reduced, and how might it not be disposed of, by Dividends, Loans or otherwaies. The taking up of so vast a Treasure on a Common Seal, must be attended with great danger, and therefore as well for that as for the other reasons alledged, I hope you will take this Affair into your speedy consideration, that so some Remedies may be applyed hereto.

Mr. Speaker,

W. L. Sir, by the accompt which hath been given you of the *East-India Trade*, I doubt not but you are sensible, how that it will in time Ruin a great part of the Trade of our Manufactures, if not prevented. The *East-India Company* have been very industrious to promote their own Trade, but therein have given a great blow to the Trade of the Nation. The *Indians* knew little of dying Goods, or ordering them so, as to be fit for our *European-Markets*, until the *Company* sent from hence *English-men* to teach them, which I am afraid this Nation will have cause to Repent hereafter. For the cheapness of Wages and Materials in the *Indies*, must enable the *Indians* to afford their Manufactured Goods cheaper than any we can make here, and therefore it is probable the Trade will increase prodigeously, which may be a

good motive for you to take into your consideration that part of it, in which the consumption of our Manufactures is concern'd. They have already spoil'd the *Italian* and *Flanders* Trade, with their *Silks*, and *Callicoes*, now they will endeavour to spoil the *Turk's* Trade by bringing abundance of raw Silk from the *Indies*. So that e're long we shall have no need of having Silk from *Turkey*, and if not, I am sure we shall not be able to send any *Cloaths* or other Goods there. And it cannot be expected, that the *Indians* should grow weary, of exchanging their Manufactured Goods for our Gold and Silver, nor the Company of the great gains they make by their Trade, and therefore unless prevented by your care, the Trade will go on to your prejudice, the Company having been industrious to secure themselves against all other attempts, by New-years-Gifts, imploying of some mens Money at Interest, and getting others into the Company, and then chusing them of the Committee, though they understand no more of the Trade, than I do of Physick; also Naming of Ships by great mens Names is made use of for the said purpose, and Oaths which they impose on all Persons they imploy in any business of importance, so that there is no ordinary way left to reach them. Therefore, Sir, I hope you will refer the business to some Committee that may make you a speedy Report.

Resolved,

Resolved, That the said Petition be referred to the Grand Committee for Trade, and they are to proceed upon the same in the first place, and they are then likewise to consider of the present State of the East-India Company, and to Report the same, with their opinions therein to the House.

The 10th of November, 1680.

His Majesty's Message to the House was read.

HIS Majesty desires this House, as well for the satisfaction of his people, as of himself, to expedite such matters as are depending before them, relating to Popery and the Plot, and would have them rest assured that all Remedies they can tender to his Majesty conducing to those Ends, shall be very acceptable to him, provided they be such as may consist with preserving the Succession of the Crown in its legal course of Descent.

Mr. Speaker,

H. B. Sir, I look on all his Majesties Speeches to Parliaments, and Messages to this House, to be Acts of State, and the results of serious Councils, and therefore the more deserving our consideration, but also I think we may in some respects look on them as we do on Letters Patents or other Grants in the King's Name, if in them there be any thing against Law, the Lawyer or Officer that drew them is answerable for it. So if his Speeches be the product of Council, if there be any mistake in them, it must be

imputed to the Council, and we may and ought to conclude the King, never said it, for he can do no wrong. I cannot, Sir, but much admire what neglect of ours, as to Popery and the Plot, hath occasion'd this Message. Hath not most of our time been spent about Examination of Witnesses about the Plot, and in making inspections into the Proceedings of the last Parliaments as to their Transactions about it, that so we may proceed upon such grounds as we ought? Hath there any day past, in which we have not done something as to the Plot and Popery, besides what we have done about the *Duke's Bill*? which alone is a sufficient proof of our endeavours to Discover the Plot and Popery, because it plainly appears that all the Plot centers in him, and that we can never prevent Popery, but by preventing that Power to Rule, which is derived from a Popish Successor, and the having of a Popish King. It is true, we have spent some time also, in asserting the right of the people to Petition the King for Parliaments, or other Grievances; but I do not take that to be so remote to this affair; for can the Plot ever be searched to the bottom, or Popery prevented, as our case stands, but by Parliaments, and seeing there were so many Prorogations of this Parliament, when there were occasions so urgent for their sitting, in order to search the Plot to the bottom, and to make Laws against Popery, have we not great reason to believe that it was from that Party, that such strange endeavours were used to prevent the meeting of Parliaments, from whom they know that nothing but Ruine can attend them? Do we not see by *Coleman's* Letters, what contrivances

vances they always had for to manage the Meeting, Sittings, Prorogations and Dissolutions of Parliaments; and why should we not believe they exercise the same arts still, seeing it is plain that the Dissolutions of the last two Parliaments, and many Prorogations of this, did not proceed from any Protestant Interest, and therefore well may we conclude from whom. And for the same reason that they fear Parliaments, have not the people reason to be fond of them, being the only legal way to redress Grievances? And could we have answered the neglecting of the Asserting our Rights in that particular? Sir, I think that next to the Duke's Bill, the Asserting of the people's Right to Petition, is the most necessary Affair we could have spent our time about, in order to have the Plot Examined to the bottom, by conveying to his Majesty the desires of his people, for to have Parliaments sit in order thereto. And therefore I am Jealous that the advice given for this Message doth proceed rather from a fear that we are doing too much, than from our doing too little against Popery. However, Sir, seeing the Message comes in his Majesties Name, let us according to our duty give all the compliance we can to it, and therefore I humbly move you, that a Message be sent to the Lords to desire them to appoint a day for the Tryal of *William Viscount Stafford*.

Mr. Speaker,

J. H. Sir, I cannot but observe, that his Majesty in his Speech made to us at the opening of this Session, recommended to us the Examination of the Plot, and the making Laws for

the security of the Protestant Religion, which is not yet above Twenty daies agoe. And therefore it is very Strange in my opinion, that we should so soon receive another Massage to the same purpose, especially considering how we have spent our time ever since our meeting, in that which we have reason to think tends as much to the preventing of Popery, as any thing we could invent. The truth is, Sir, I am fully perswaded, that the advice for this Message, proceeds from the same men that advised the Dissolution of the two last Parliaments, and the many Prerogations of this; for though it may look like a Contradiction, that going fast or going slow should tend to one and the same end, yet it doth so in this case; for by the Dissolutions of those Parliaments, and many Prorogations of this, time was gotten for the disheartning of some Witnesses, and tampering with others, and the death of the most Material one, and now by pressing upon this Parliament to make great haste, other Witnesses may be prevented from coming in, for which his Majesty hath declared he will give two Months time by his Proclamation. So that it plainly appears, that the further Examination of the Plot must be prevented some way, if they can do it, and that rather than fail, your endeavours to go to the bottom of the Plot, shall be turned upon you, and made use of to their advantage. It is strange, *that now Fourteen daies should seem too much to have the Examination of the Plot neglected (supposing it had been so) and the Fourteen Months last, or rather two*

Years,

Years, not thought so. Sir, we are under great difficulties, and therefore we must be careful what we do. By the Contents of this Message, we may plainly see, that our Enemies are at work to represent our Proceedings ill to the King, that so if possible there may be some plausible pretence found out that may serve to gull the People if they should procure a Dissolution. But I hope his Majesty will not hearken to such advice; in order to prevent it, let us, until we have an opportunity to express our duty to him by actions, do it by words, to satisfy him that we have spent most of our time in Examining the Plot, and in contriving how to secure his Person and Government against the dangers arising from Popery, and to assure him, that we will lose no time till we **have done what lies** in our power in order thereto; and that we may withal give some further instance of our endeavours, let us Vote that we will immediately proceed to the Tryal of my Lord *Vifcount Stafford*.

Mr. Speaker,

W.H. Sir, I am well content to understand that part of the Speech, which recommends to us a speedy Examination of the Plot, to proceed from his Majesties Goodness, on a supposition that he is now more sensible than ever, of the danger his Person and Government is in by Papists. And I hope it is from that, and not from any other reason that he hath been pleased to send us this Message so soon after his Speech, notwithstanding our endeavours as to the Plot and Popery. But, Sir, what I am most concerned at, is the latter part of the Speech, that about the Succession, for it looks like the difficulty that was put

put upon the *Israelites*, of making *Brick without Straw*. For seeing all the discoveries about the Plot make it clearly out, that it all Centers in the Duke of York, and that all their hopes is derived from a *Popish Successor*, and Expectation of a *Popish King*, how can we do any thing that can be effectual in pursuance of the first part of that proposition, without contradicting the latter, it being impossible to secure the *Protestant Religion* under such limitations. However, Sir, I hope that none of these things will put the House out of that temper and moderation which becomes this place, for I hope that at last his Majesty will either convince us or be advised by us; that so we may come to a fair understanding, and this Session have a happy conclusion. Let us be careful not to give our Enemies any just advantage to misrepresent us. And then I hope, all will do well at last, *maugre* all the endeavours of our back-friends. That we do Vote that we will proceed to Tryal of some of the Lords, and appoint a Committee to draw up an Address in Answer to this Message, upon the debate of the House, is, I conceive, what is necessary at this time.

Mr. Speaker,

S. T. Sir, his Majesties Message is a tacit reprehension of this House, for not having done their duty as to the Plot and Popery. And as well by this Message, as by his Speech at the opening of the Session he doth now seem much concerned, that the examination of the Plot, and the securing of the Nation against the danger of Popery hath been so long defer'd; for my part, I think he hath a great deal of reason for what he saith, and I am glad to hear it. For I hope

hope he is now truly sensible what strange advice he followed in Dissolving the last Parliaments, and so often proroguing this, and that he will now permit Parliaments to sit, until they have done their duty in that particular. But, Sir, though his Majesty may now be very sensible of the miscarriages there have been in the management of this business already, yet I think we may not do amiss (seeing his Majesty hath given us this occasion) to particularize to him, how the Examination of the Plot, and the securing us against Popery hath been prevented. Sir, was not the late long Parliament after the Plot broke out, in a fair way to have tryed the Lords, and to have Examined the Plot to the bottom, and did not the Dissolution of them frustrate all their proceedings? Did not the next Parliament fall upon the same Subject, and were they not advanced very far towards it, and did not the Prorogation and Dissolution come, and make all void? Hath this Parliament, though called to meet the 17th of *October* was 12 Months, ever sate till now, & have they not ever since their meeting imployed most of their time about the Plot and Popery, & can there lie any just complaints against us? The truth is, Sir, it is plain to me, that if this Message proceeds from his Majesties own judgment, as I hope it doth (for how can it be presum'd that his Majesty should not see how we proceed against the Plot and Popery? as well as every body else) or if it proceed from such Council, as do really intend we should do something against Popery, then we may be permitted to sit until we have done something for the security of our Religion, and good of our Country!; but on the other side,

if

if this Message do proceed from the same Counsel that advised the Dissolutions of the last Parliaments, and many Prorogations of this, then we may take it as a clear discovery that there are persons at Work to represent us ill to the King, and to find some pretence for our Dissolutions, as may pass with the People, and such I take to be Enemies both to the King and Kingdom, and therefore hope you will take a time to find them out, and proceed against them as they deserve. In the mean time, I second the motion that hath been made, for a Committee to draw up an Answer to this Address, and for making a Vote in order to Try my Lord *Stafford*.

Mr. *Speaker*,

Sir *F. W.* Sir, Though I know that we are under an Obligation from Duty to make a good Construction of all His Majesties Speeches and Messages to this House, yet because they generally do proceed from some Advice and Counsel taken on such Occasions, therefore I think we may without offence, when any thing is irreconcilable in them, attribute it to the Ministers; though all that which is good, and agreeable to that Wisdom and Prudence which is inherent in His Majesty, ought to be attributed to himself; and, as the Case stands with us, I think only from Him can it proceed. What is said in this Message, that neither His Majesty nor the People can be satisfied, unless we expedite such matters as relate to the Plot, I believe it proceeds from His Majesties own *Genius*, it being so agreeable to that Love which he hath always profess'd for the Protestant Religion; but that tacit Imputation, That we have neglected the Examination of the
Plot

Plot, and Proceedings against Popery, appears to me like a kind of Infatuation in those Ministers that advised it. For, Sir, is there any thing more obvious, than that this Parliament have spent most of their time in Matters relating to the Plot and Popery, and to make such Laws as may prevent the coming in of Popery upon us? And did not both the last Parliaments do the same, from the time the Plot broke out? And if I may take the Liberty to Prophecie, I am apt to think, that the next, and the next, will proceed in the same steps, until such Laws be made as are precisely necessary for the hindering of Popery from coming in upon us: And I pray God it may not be a cause why we shall have no Parliaments to sit and act for a while. But, Sir, as this is plain, so to our grief it is, that there are those about the King, in great Power, that are against the Examination of the Plot to the bottom, or making Laws against Popery. Hath not this appeared by the great Endeavours that have been used to stifle the Plot, the menacing and discouraging of the true Witnesses, and setting up and encouraging of false ones? I mean, by the great Power that accompanied those Endeavours; but above all, by the great Authority and Interest which that Party have shewed in the Dissolution of the last two Parliaments, (though as to the first I heartily forgive them) and the many Prorogations of this. *And must they now, after they have stopp'd or smother'd all Proceedings that tended to destroy Popery for above Two years, find fault that we have not brought all to perfection in Two weeks?* Sir, this looks like such a profound piece of Policy, as that of Killing Justice Godfrey

frey. But I am not sorry that their Politicks run
 follow. Such a Pretence as this can onely pass
 with Persons that have a mind to be deceived. I
 will never doubt the Prudence of the major part
 of the Nation in this particular, who know that
 the Non-prosecution of the Plot is the great
 Grievance which the Nation groans under ; and
 the making of such Laws as may secure us against
 Popery, the greatest reason they have so longed
 for a Parliament, and adventured so much as
 some did in petitioning for one. And, Sir, I
 think, that accordingly this House have not been
 wanting to do their Duty therein ; and therefore
 do believe, that such Representations to His Ma-
 jesty are made by such as aim at the destruction of
 Parliaments and bringing in of Popery. But
 the better to prevent their taking any such Ad-
 vantage for the future, I could wish that we may
 not spend more Mornings about *Irish Cattel*, nor
East-India Trade, until the Business of the Plot
 and Popery be more off our Hand. But in or-
 der to satisfie His Majesty of our Obedience to
 His Commands, I agree both for the Committee,
 and Tryal of Lord *Stafford*.

*Resolved, That a Committee be appointed, to draw
 up an Humble Address to His Majesty, upon
 the Debate of the House, in answer to His Ma-
 jesties Gracious Message.*

*Resolved, That this House will proceed in the
 prosecution of the Lords in the Tower, and will
 forthwith begin with William Viscount Staf-
 ford.*

The Eleventh of *November*, 1680.

Sir *William Jones* reports from the Committee appointed to draw up an Address to His Majesty, upon the Debate of the House, in Answer to His Majesties Gracious Message ; which he read in his Place, and afterwards delivered the same at the Clerks Table ; where being read again, was upon the Question agreed to by the House.

The Address to His Majesty, from the Commons.

*May it please Your most
Excellent Majesty,*

‘ **W** E Your Majesties most Loyal and Obedient Subjects, the Commons in this
‘ present Parliament assembled, having taken in
‘ our most serious Consideration Your Majesties Gracious Message, brought unto us the
‘ Ninth day of this Instant *November*, by Mr. Secretary *Jenkins*, do with all thankfulness acknowledge Your Majesties Care and Goodness,
‘ in inviting us to expedite such Matters as are depending before us relating to Popery and the
‘ Plot. And we do, in all humility, represent to
‘ Your Majesty, that we are fully convinced, that
‘ it is highly incumbent upon us, in discharge both
‘ of our Duty to Your Majesty, and of that great
‘ Trust

' Trust reposed in us by those whom we represent,
 ' to endeavour, by the most speedy and effectual
 ' ways, the Suppression of Popery within this
 ' Your Kingdom, and the bringing to Publick
 ' Justice all such as shall be found Guilty of the
 ' Horrid and Damnable Popish Plot. And though
 ' the time of our Sitting (abating what must ne-
 ' cessarily be spent in the chusing and presenting
 ' a Speaker, appointing Grand Committees, and
 ' in taking the Oaths and Tests enjoyned by Act
 ' of Parliament) hath not much exceeded a Fort-
 ' night, yet we have in this time not onely made
 ' a considerable Progress in some things which
 ' to us seem, and (when presented to your Ma-
 ' jesty in a Parliamentary way) will, we trust,
 ' appear to Your Majesty to be absolutely neces-
 ' sary for the Safety of Your Majesties Person,
 ' the effectual Suppression of Popery, and the
 ' Security of the Religion, Lives, and Estates of
 ' Your Majesties Protestant Subjects: But even in
 ' relation to the Tryals of the Five Lords im-
 ' peached in Parliament for the execrable Popish
 ' Plot, we have so far proceeded, as we doubt
 ' not but in a short time we shall be ready for the
 ' same. But we cannot (without being unfaithful
 ' to Your Majesty, and to our Countrey, by whom
 ' we are intrusted) omit, upon this occasion, hum-
 ' bly to inform Your Majesty, That our Difficul-
 ' ties, even as to these Tryals, are much encrea-
 ' sed by the evil and destructive Counsels of
 ' those Persons who advised Your Majesty, first,
 ' to the Prorogation, and then, to the Dissolution
 ' of the last Parliament, at a time when the Com-
 ' mons had taken great pains about, and were
 ' prepared for thoe Tryals. And by the like
 ' pernicious

‘ pernicious Counsels of those who advised the
 ‘ many and long Prorogations of the present
 ‘ Parliament, before the same was permitted to
 ‘ sit; whereby some of the Evidence which was
 ‘ prepared in the last Parliament may possibly
 ‘ (during so long an Interval) be forgotten or
 ‘ lost, and some Persons, who might probably
 ‘ have come in as Witnesses, are either dead, have
 ‘ been taken off, or may have been discouraged
 ‘ from giving their Evidence. But of one mis-
 ‘ chievous Consequence of those dangerous and
 ‘ unhappy Counsels we are certainly and sadly
 ‘ sensible, namely, That the Testimony of a ma-
 ‘ terial Witness against every of those Five Lords
 ‘ (and who could probably have discovered and
 ‘ brought in much other Evidence about the Plot
 ‘ in general, and those Lords in particular) can-
 ‘ not now be given *viva voce*; forasmuch as that
 ‘ Witness is unfortunately dead between the Cal-
 ‘ ling and the Sitting of this Parliament. To pre-
 ‘ vent the like, or greater Inconveniencies for the
 ‘ future, we make it our most humble Request
 ‘ to Your Excellent Majesty, That, as You tender
 ‘ the Safety of Your Royal Person, the security of
 ‘ Your Loyal Subjects, and the Preservation of
 ‘ the true Protestant Religion, you will not suf-
 ‘ fer your self to be prevailed upon by the like
 ‘ Counsels, to do any thing which may occasion
 ‘ in Consequence (though we are assured never
 ‘ with Your Majesties Intention) either the defer-
 ‘ ring of a full and perfect Discovery and Exami-
 ‘ nation of this most wicked and detestable Plot,
 ‘ or the preventing the Conspirators therein
 ‘ from being brought to speedy and exemplary
 ‘ Justice and Punishment. And we humbly be-

'steach Your Majesty to rest assured, (notwithstanding any Suggestions which may be made by
 'Persons, who, for their own wicked purposes,
 'contrive to create a Distrust in Your Majesty
 'of Your People,) That nothing is more in the
 'Desires, and shall be more the Endeavours of
 'us, Your faithful and loyal Commons, than the
 'promoting and advancing of Your Majesties
 'true Happiness and Greatness.

Mr. *Speaker*,

G. V. Sir, I hope this Address will satisfy
 his Majesty that this House hath not been negligent in the prosecution of the Plot and Popery, and that it will create in his Majesty a good opinion of our proceedings, that so we may not meet with any interruption in the perfecting of those Bills which are necessary for the good of the King and Kingdom, and may have the Glory of having been instrumental in accomplishing that security which the Nation so much desires in point of Religion, and in making his Majesties Government not only more easie to him, but so formidable as that he may become a terror to his Enemies, and in a capacity to give Assistance to his Friends both at home and abroad; and if possible so reconcile all divisions as that there may be no distinction but of Papists and Protestants, nor of that neither, if there could be a way found out to prevent it. For I know this House wants nothing but opportunity to express their Loyalty to the King, and love to the Protestant Religion and their Country; but I am afraid that all our endeavours will prove ineffectual, unless

less we can remove from his Majesty all Counsellors that advise him, in favour of the Popish Interest, and such as influence him in favour of that Party. I do not mean little ones, but such as by experience we had found, have in the time of our greatest danger exercised a kind of uncontrollable Power. The Witnesses which you have heard this day at the Bar, as to the wicked Plot of the Papists in Ireland, and in what a dangerous Condition the poor Protestants are there, how exceeded in Numbers by their Enemies, and deserted by their Friends, added to the Evidence we have of the Plot in England, hath given to me a new prospect of the deplorable condition we are in, and therefore, although it be a little late in the day seeing here is a full House, and of such Persons as I believe will never think any thing too much, that is so necessary for the good of their King and Country. I hope you will not think it unreasonable, that I should now move you, that the ingrossed Bill, for disinheriting James Duke of York be read.

The Bill amended as the House had ordered, was read, Intituled, An Act for securing of the Protestant Religion, by disabling James Duke of York, to inherit the Imperial Crown of England and Ireland, and the Dominions and Territories thereunto belonging.

WHEREAS James Duke of York is notoriously known to have been perverted from the Protestant to the Popish Religion; where-

by not only great encouragement hath been given to the Popish Party to enter into, and carry on most Devilish and Horrid Plots and Conspiracies for the Destruction of his Majesties Sacred Person and Government, and for the Extirpation of the True Protestant Religion: But also if the said Duke should succeed to the Imperial Crown of this Realm, nothing is more manifest than that a Total Change of Religion within these Kingdoms would ensue. For the prevention whereof, Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That the said James Duke of York shall be, and is by the Authority of this present Parliament Excluded, and made for ever incapable to Inherit, Possess, or Enjoy the Imperial Crown of this Realm, and of the Kingdoms of Ireland, and the Dominions and Territories to them, or either of them belonging, or to have, exercise or enjoy any Dominion, Power, Jurisdiction or Authority in the same Kingdoms, Dominions, or any of them. And be it further Enacted by the Authority aforesaid, That if the said James Duke of York shall at any time hereafter, challenge, claim, or attempt to possess, or enjoy, or shall take upon him to use or exercise any Dominion, Power, or Authority, or Jurisdiction within the said Kingdoms, or Dominions, or any of them, as King or Chief Magistrate of the same; That then he the said James Duke of York, for every such offence, shall be deemed and adjudged guilty of High Treason; and shall suffer the pains, penalties and forfeitures, as in case of High Treason: And further, That if any Persons or Person whatsoever shall assist,

or maintain, abet, or willingly adhere unto the said James Duke of York, in such challenge, claim or attempt; or shall of themselves attempt, or endeavour to put or bring the said James Duke of York into the possession, or Exercise of any Regal Power, Jurisdiction or Authority within the Kingdoms and Dominions aforesaid, or shall by Writing or Preaching advisedly publish, maintain or declare, That he hath any Right, Title, or Authority to the Office of King or Chief Magistrate of the Kingdoms and Dominions aforesaid, That then every such Person shall be deemed and adjudged guilty of High Treason; and that he suffer and undergo the pains, penalties and forfeitures aforesaid.

And be it further Enacted, by the Authority aforesaid, That he the said James Duke of York shall not at any time, from and after the 5th. of November 1680. return, or come into or within any of the Kingdoms or Dominions aforesaid: And then he the said James Duke of York, shall be deemed and adjudged guilty of High Treason, and shall suffer the pains, penalties and forfeitures, as in case of High Treason; and further, That if any Person or Persons whatsoever shall be aiding or assisting unto such return of the said James Duke of York, that then every such Person shall be deemed and adjudged guilty of High Treason; and shall suffer as in Cases of High Treason.

And be it further Enacted, by the Authority aforesaid, That he the said James Duke of York, or any other Person being guilty of any of the Treasons aforesaid, shall not be capable of, or receive benefit by any Pardon, otherwise than by Act of Parliament, wherein they shall be particularly named; and that no Noli prosequi, or Order for stay of Proceed-

ings shall be received or allowed in, or upon any Indictment for any of the offences mentioned in this Act

And be it further Enacted and declared; and it is hereby Enacted and Declared, that it shall, and may be lawful to, and for any Magistrates, Officers and other Subject whatsoever of these Kingdoms and Dominions aforesaid; and they are hereby enjoined and required to apprehend and secure the said James Duke of York, and every other person offending in any of the premises, and with him or them in case of resistance to fight; and him or them by force to subdue: For all which actions, and for so doing, they are, and shall be by vertue of this Act saved harmless and indemnified.

Provided, and it is hereby declared that nothing in this Act contained, shall be construed, deemed or adjudged to disenable any other person from inheriting and enjoying the Imperial Crown of the Realms and Dominions aforesaid; (other than the said James Duke of York) But that in case the said James Duke of York should survive his now Majesty, and the Heirs of his Majesty's Body; The said Imperial Crown shall descend to, and be enjoyed by such person or persons successorily during the Life of the said James Duke of York as should have inherited and enjoyed the same in case the said James Duke of York, were naturally dead, any thing contained in this Act to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, that during the Life of the said James Duke of York, This Act shall be given in charge at every Assizes and General Sessions of the Peace within the Kingdoms, Dominions and Territories aforesaid; and also shall be openly read in every Cathedral

dral Church, and Parish Church, and Chapples within the aforesaid Kingdoms, Dominions and Territories, by the severall respective Parsons, Vicars, Curates and Readers thereof, who are hereby required immediately after Divine Service in the Fore-noon to read the same twice in every year, that is to say, on the 25th. of December, and upon Easter-day, during the Life of the said James Duke of York.

Mr. Speaker,

Sir L. J. Sir, this great business cannot be too well considered, before you come to a final Resolution therein, I will not now offer you any prudential arguments against this Bill, because I did offer severall at the last reading; but Sir, I would desire you to consider, that this Prince is Brother to our present King, and Son to our late pious King *Charles* the First; for whose memory this Nation hath a great veneration, that this Prince is enricht with Excellent Endowments, which he hath employed in the Service of this Nation, by fighting our Battels and defending us from the oppression of our Enemies, and is only Guilty of this one Crime which I hope upon a mature deliberation will not deserve so great a condemnation. Sir, I know it is usual for this House to proceed in Affairs of less importance, with all the Calmness, Justice, and Prudence that can be imagin'd; and therefore I hope you will be careful how you deviate from those Measures, in a business of this Nature. I would once more remember you, that there are Laws already for the punishment of the Crimes he is accused of, and therefore humbly conceive you ought not to

chastise him, by making a new Law, especially with that severity which is by this Bill now intended, before any hearing.

Sir, for my part I have taken the Oath of Allegiance, and think my self thereby bound to him as Heir, until it please God that his Majesty have Children. I know of no Power on Earth, that can dispence with my Oath, and therefore I cannot (so much as by being silent) give my consent to this Bill, lest I therein wrong my Conscience, seeing I have the Honour to be a Member of this House.

I do not doubt but most here have a great esteem for the Church of *England*, as Members thereof: I could wish they would consider what a great blow this Bill will give to our Religion, and to our Church. To disinherit a Prince, for no other Cause, but for being of a different Opinion in some Points of Faith, is, I think, quite contrary to the Principles of the Religion we profess, and also to the established Laws of this Land. And if such an Act, when made, should be of any validity, I do conclude, that you will thereby change the Constitution of this Monarchy, and make it in a manner Elective; and therefore I humbly move you that the Bill may be thrown out.

Mr. Speaker,

Sir R. M. Sir, I desire leave to offer some Objections, which, in my opinion, do justly arise against this Bill. I think there ought to be a Proviso, *That if the Duke should turn Protestant, that then the Bill should be void, and he not excluded from his Right*; that so we may not leave him without some temptation to return to the Protestant

testant Religion. And, Sir, I think there ought to be a Proviso, That in case the Duke should have a Son, after either of his Daughters (if it should be their fortune) have ascended the Throne, for the reserving of him a Right. For, there is a possibility, that, if the Duke should outlive the King, he may have a Son, after that his Daughters, by vertue of this Act, may have taken the Crown. I suppose, that as there is no intent to chastise the Daughters for the Fathers sake, so not the Son ; and therefore I humbly move you, that some Proviso may be added, to secure him his Right, if any such thing should happen.

Mr. Speaker,

W. Sir, The Honourable Member that spoke before made large Encomiums on the Duke, extolling his Endowments, and Services to the Nation. For my part, I think, that the better qualified he is, the greater is our Danger. But as to what he said, of having fought our Battels, and done great things for the Nation, I think he hath not done fairly by the House ; for he should also have told us, *how the Triple League was broke, and my Lord of Sandwich lost his Life ; how he changed his Religion, and hath ever since encouraged Popery, and assisted that Interest ; how the City of London was burnt, and the Actors discharged ; how the Discovery of the Popish Plot was prevented as much as it could be, and the Presbyterian one encouraged ; that so we might have all afore us.*

He was going on more severely, but was interrupted.

Mr.

Mr. Speaker,

L. H. Sir, Although it hath been said, That no good Protestant can speak against this Bill; yet, Sir, I cannot forbear to offer some Objections against it. I do not know that any of the King's Murderers were condemn'd without being heard; and must we deal thus with the Brother of our King? It is such a severe way of Proceeding, that I think we cannot answer it to the World; and therefore it would consist much better with the Justice of the House to Impeach him, and Try him, in a Formal way, and then cut off his Head, if he deserve it. I will not offer to dispute the Power of Parliaments; but I question whether this Law, if made, would be good in it self. Some Laws have a Natural Weakness with them; I think that by which the old Long Parliament carried on their Rebellion, was judged afterward void in Law, because there was a Power given, which could not be taken from the Crown. For ought I know, when you have made this Law, it may have the same Flaw in it: If not, I am confident there are a Loyal Party, which will never obey, but will think themselves bound by their Oath of Allegiance and Duty to pay Obedience to the Duke, if ever he should come to be King, which must occasion a Civil War. And, Sir, I do not find that the Proviso that was ordered to be added for the Security of the Duke's Children, is made strong enough to secure them, according to the Debate of the House, it being liable to many Objections, and the more, because the Words *Presumptive Heir of the Crown* are industriously left out, though much insisted on when debated
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here in the House. Upon the whole matter, my humble Motion is, that the Bill may be thrown out.

Mr. Speaker,

Sir W. J. Sir, I am very unfit to speak in this place, being a Member but of yesterday ; but I will rather adventure to draw a Censure on my self, than be wanting to serve my Country (seeing they have called me hither) in Business of so great importance , I think as great as ever was debated in a House of Commons. I can truly affirm, that I have a great respect for the Duke of York ; and therefore, as well as for the preservation of the Protestant Religion , I am for this Bill. For, I take it for granted, *That it is impossible that a Papist should come to the Possession and quiet Enjoyment of this Crown, without wading through a Sea of Blood, and occasioning such a War as may, for ought I know, shake the Monarchical Government of this Nation, and thereby not only endanger himself, but his Children too.* For no man can foresee what may be the end of such a War, nor what Miseries it may bring on the Nation : But, in all probability, it may prove the deepest Tragedy that ever was acted on this great Theatre. For, it cannot be imagin'd, *that the great Body of Protestants which are in this Nation will tamely submit to the Popish Yoke, which they will in time see must be the consequence of submitting to a Popish King, without some struggling.* And Wars begun upon the score of Religion are generally attended with more fatal and bloody Consequents than other Wars ; and this may exceed all others that ever yet were made. And I see no way to prevent it, but by passing
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this Bill, which, so long as it excludes onely him, and secures the Crown to his Children, is, I think, (as the case stands) the greatest Kindness we can do him.

Sir, I do much admire to hear some Honourable and Learned Members say, That this Bill is against Natural Justice, because it condemns a Man before he is heard ; and that it is too severe a Condemnation ; that it is against the Oath of Allegiance, and Principles of our Religion ; that it will be a scandal to our Church, to exclude a Man of his Right for his Opinion in Religion ; that it is a Law that will be void in it self, and that there are a Loyal Party will never obey it ; that it will make the Crown Elective, and occasion a Civil War ; and that the Proviso as to the Dukes Children is not strong enough, because the Word *Presumptive Heir* is left out.

Sir, The first Objection I think is a great mistake ; for this Bill is not intended as a *Condemnation to the Duke*, but a *Security to our selves* ; and is so far from being against Natural Justice, that the Passing of it is agreeable to the very Foundation not onely of Natural Justice, but Natural Religion too, the Safety of the King and Kingdom depending thereon, which according to the Rules of Justice and Religion we are bound to use our endeavour to preserve, before any one Mans Interest. That about the Oath of Allegiance, I do a little admire at ; for, it is the first time I ever heard that Oath pleaded in favour of Popery. I have often times had occasion to scan the meaning of that Oath, but never found it extended to the Successor during the Kings Life, and therefore no need of any Dispensation in that point. And I cannot understand

stand how it can be any scandal as to our Church or Religion, *if by Church be meant our Protestant Church.* Can our Church or Church-men be scandalized, because we endeavour to secure our selves against Popery by all lawful Means? I rather think the very Supposition a high Reflection on our Church-men, as rendring them willing to let in Popery, which I am confident they are not. As to what is said, That the Law will be void in it self, and that there will be a Loyal Party that will never obey it, and that it will occasion a Civil War; I must confess these are strange Arguments to me: *For, to doubt that the Legislative Power of the Nation, King, Lords, and Commons, cannot make Laws that shall bind any, or all the Subjects of this Nation, is to suppose there is such a Weakness in the Government, as must infallibly occasion its Ruine.* And therefore I am of opinion, that what Laws you make in this case, will carry as much Right and Strength with them, not only now, but after the Kings death, as any Law whatsoever. And how then can there be a Loyal Party that will not acquiesce therein, unless the Word *Loyal* have some other Signification than I know of? I take it to be a Distinction that can onely be given to such as obey Laws; and I think we need not doubt, but if once this Law were pass'd, *there would be Protestants enough, whose Interest it would be to defend it, that would compel an Obedience to it.* And we have much more reason to fear a Civil War without it, than with it; *For, if we can get this Bill, we may be thereby so united, and enabled to defend our selves, as that the Popish Party may never have the Confidence to attempt us; but without it we shall not*
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be in any capacity to defend our selves, which above all things may encourage a Civil War. As to the Proviso for securing the Right of the Duke's Children, if it be not strong enough, I am ready to give my Vote it should be stronger ; but I take it to be a full and comprehensive as can be made ; at least, I take the leaving out the Words *Presumptive Heir to the Crown*, to be no Objection against it : For, there is no such Word in our Law-Books, nor no such Term in treating of the Succession ; and therefore I hope you will be careful how you make a President in that Case.

And, Sir, as I do not find there is any weight in the Arguments that have been made against this Bill, so I think that if the preservation of our King, our Government, our Lives and our Religion, be things of moment, that there is much to be said for it. For although the malignity of men, cannot deface his Majesties goodness, yet by assisting the Popish faction, they have spoilt the beautiful face of the best Government in the World ; by breaking that good Correspondence that there ought to be between the King and his People, by dividing us in points of Religion, and by being the cause of just jealousies and fear. By which his Majesty is reduced to great difficulties and trouble, in the administration of his Regal authority, and the Credit Peace and Tranquility of the Nation almost irrecoverably lost. As to all which, the art of Man cannot find out any remedy as long as there is a Popish Successor, and the fears of a Popish King, and therefore I humbly move you this Bill may pass.

Mr:

Mr. Speaker,

Sir F. W. Sir, the Arguments that have been used against this Bill, *may be very excellent to lull us into a fatal security, by possessing us with opinions that there is no need of taking so much care about Popery, or that we ought not to oppose it, or that it will be to no purpose, because we have no power to hinder it.* But I do not see what weight they have in them, grounded on any other consideration, to hinder the passing of this Bill. Rather for the same reason, that such Arguments, as these, are here offered against this Bill, and such endeavours used abroad to reconcile the People to have a better opinion of Popery than formerly, I think we ought to be the more zealous for this Bill, because nothing can give a greater encouragement and assistance to Popery than the growth of such opinions, nor prevent their design who are industrious to infuse them, than the passing of this Bill. Whoever will consider how this Monarchy hath declined in grandeur honour and reputation abroad, by the destruction of our Navy in 1666. and the little appearance we have ever since made of being able to be formidable at Sea, but above all, our Ministers double dealing in the making of alliances, or performing of them, (in order to keep up our interest with *France*) How from being Umpire to all this part of the World, according to that advantage which we have by our Situation, we are become the despicablest Nation in *Europe*. How the Government is weakned at home not only by fears and jealousies, but by the debaucheries and divisions which have been promoted amongst

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our people ; how narrowly we escaped ruine when the City of *London* was Burnt, as well as when the Toleration came out, and the Army was at *Black-beath*, as lately by the horrid Plot if it had not been discovered ; how there his nothing stands between us and death, but the Kings life ; and how all these dangers past and present, do arise from Popery ; and how impossible it is, it should be otherwise as long as there is a Popish Successor : may justly admire there should be any arguments offered in this place to lessen our care for preventing the growth and power of Popery. I cannot tell how these learned Members *understand natural Justice*, but I am of that Opinion, *That self preservation, and the preservation of our Religion, and life of our King by all lawful ways, is very agreeable to natural Justice.* And I do admire to hear such a construction made of the Oath of Allegiance, that it binds all persons to the next Heir as well as to the King. For it is a most dangerous Maxim, *and may be of ill consequence, if ever the next Heir of the Crown should make a Rebellion, for he may thereby challenge Allegiance from the People as well as the King,* which may be of pernicious consequence. And I do not see wherein our Church or Religion can be scandalized by this Bill. *For we do not Disinherit this Prince for his Religion, but to save our own, and to prevent the manifest ruine of the Nation.* And therefore I think it is a kindness to the Church above all Acts whatsoever ; because the only way to preserve it, *I mean the Protestant Church.* And those objections that have been made

made against the lawfulness and validity of this Act, do not weigh with me, but notwithstanding what hath been said, do believe it will be as good in law, if once it be past, and will be as well observed too as any Act whatsoever. The King hath his Right from God, and as Supreme is accountable to none, his person sacred, and by our Laws can do no wrong. If we should give all these qualifications to a Successour, as hath been in some measure insinuated, it would make a strange confusion in the Government. Life it self, to which a Man hath as much Right, as any Successor can pretend to have to the Crown, is taken away upon some forfeitures for the publick good. And as there may be a forfeiture of Life so there may be a forfeiture of a Right to the Succession. And to doubt that there is not an unlimited uncontrollable power residing somewhere in all Governments, to remedy the exigences that may happen, is to suppose there is such weakness in this or any other Government, as that it must fall when a powerful faction shall endeavour it. In this Nation, this Power, is in the King, Lords, and Commons, and I hope they will make use of it to preserve the Government upon this occasion. And I do not doubt, but if the Bill pass, all will obey it heartily that wish well to the Protestant Religion. I am afraid some Ministers of State place their safety in Common ruine, or otherwise the settling of this affair, would not have been so long delayed and opposed as it hath been. Hath there not been contrived and practised, and is there not

still threatned the greatest and certainest ruine to this Nation, by this business of the Duke, that ever was yet projected, and must we be more stupified than our Ancestors? Doth not the Act of the Thirteenth of Queen *Elizabeth* make it Treason, for any man to say, that the Parliament cannot alter the Succession? And in *Henry* the Eighth's time, was not the right of Succession changed and rechanged by Act of Parliament? He then instanced several presidents, how the Succession had been settled and altered by Acts of Parliament; since *William* the Conquerour's time, and concluded with a motion, for the passing of the Bill.

Mr. Speaker,

Col. L. Sir, It is my misfortune to lie under the disreputation of being a Papist, but have now an Opportunity of shewing my self otherwise, in declaring that I am against this Bill, for I think there is none but Papists that are of Opinion, that a man may be disinherited for his Religion. I have also an opportunity to shew my duty to my Master, in declaring that those reproaches which have been cast upon him, are in my opinion very unjust, because I believe he abhors the thoughts of doing those Actions that have been imputed to him, and therefore do think it very hard, that because he may differ with us in points of Religion, that therefore his reputation should thus be called in question in this House. Sir, I cannot enter into a dispute with that worthy Member that spoke last, as to the presidents he hath mentioned, because I know he is very learned in the Law, and the understanding of such things belongs

belongs more particularly to such as have had that education ; but I humbly offer it to the consideration of the House, whether or no, if our English Histories be true, most of those precedents were not accompanied with blood and misery ? And I am of opinion, that if this disinheriting Bill should pass, it will not have better success. I cannot doubt but that this House is for keeping up the Monarchical Government of this Nation, we all know how the balance hath been altered by *Henry* the 7th's lessening the Peers, and *Henry* the 8th's destroying the Church, and by the Sale of the Crown-Lands. I pray Sir, let us have a care, how we give a greater blow than all this, by making the Crown Elective. The King lost his Father by one Rebellion. I know this House would not willingly be the cause of losing his Brother by another, which I am afraid this Bill, if it should pass, will occasion hereafter, especially if we name no Successour, for which I am the more sorry because I do not know for whom to draw my Sword.

Mr. *Speaker*,

Sir *H. C.* Sir, I do observe, and am glad to see it, that all that have spoken in this business *pro* or *con*, seem to agree, that we ought to do all we can to preserve the present Government, and prevent a Civil War, but we differ about the way ; some think that this Bill is the only way, and others are of a contrary opinion, I cannot tell for what good reason. For there being nothing intended by this Bill, but the Exclusion of the Duke only, in order to prevent the great dangers we lie under by reason of his great influ-

ence at Court at present, and those we fear, if ever a Popish King should ascend the Throne. There being nothing in the Bill that tends any ways to prejudice the next Heir, it cannot in my poor opinion weaken, much less tend to alter the present Government, or be any prejudice to the Royal Family, more than in the Exclusion of this one Person intended by the Bill. From whom there can be no fear of a Civil War unless we should imagine that the people of this Nation, when they have a Law, upon the observation and execution whereof, their Lives, Liberties and Religion depend, they should be so great Brutes as not to value themselves thereon, but rather imbrace a blind superstitious Religion, and submit to all the Slavery imaginable. We may as well think that after the King's decease, the people will be willing to submit to the Government and pretended Authority of the Pope himself, though they should be never so well able to defend themselves. The worthy Member that spoke last, did in a manner affirm, that all the Precedents that have been mention'd as to the settling of the Succession of the Crown by Act of Parliament, have been accompanied with Blood. If he would but take the pains to peruse the Histories of *England*, I think he——would be of another opinion. But I am sure, none ever equalized the short Reign of Queen *Mary*. The Barbarities which were exercised in her Reign, by Fire and Faggot, may be put into the balance with all the inconveniencies that ever happened by any Exclusion-Act. But Sir, if it had been so, which I utterly deny, it would not have signified much as to

our case, for in those days matter of Right was always so confounded (I mean as to the understanding of the people) by the many Arguments that were imposed on them by each Party, that neither point of Right, nor any consideration as to any thing of Interest, came fairly before them. Whether *A.* or *B.* should be King, was their only question, without being loaden with any difficulties, as to which the Common and Major part of the people in those days might probably be very indifferent. And yet, Sir, upon a full Examination, it will be found that most of those Acts of Parliament touching the Succession, had the effect they were designed for, and did serve as Expedients, to prevent those miseries, which were feared and were the occasion of them. But, Sir, the case will be now much otherways, if ever you should be so unfortunate, as that the Duke should out live the King, and you should come to try the strength of this Exclusion-Bill: For the question in this Case will not be only whether *A.* which is Excluded, or *B.* which is the next Heir shall according to this Act be King, *but whether it shall be a Papist, or a Protestant.* Upon which it will plainly appear, the safety of their Estates, Lives and Religion doth depend. Sir, I have heard and read of strange things done by Popish Miracles, and I must confess, Sir, I have *seen much of it, even amongst many, that pretend to be good Protestants, since the Plot broke out, I mean as to their believing any thing against Popery.* If some such Omnipotent Power, should hereafter over-rule in such a conjunction, haply this Bill if it should pass into an Act, may be slighted and neglect-

ed, but otherways I humbly conceive it cannot be presumed, that the Protestants should omit to make use of it to save themselves from Poverty and Slavery; which would be the consequence thereof; and thereby not only prevent a Civil War, but support the Government established in the right Line. The truth is, Sir, the most material Observation that I can make of the Arguments against this Bill, is, that it is *thought too good for us; and that it may probably be effectual for the securing of the Protestant Religion.* And I am afraid, Sir, that this is the fatal Consideration, that hath prevailed with some to advise the King not to grant it. If we consider how all other Laws which have been hitherto made against the *Duke* have been defeated, we may with some reason fear the like success of all others that shall be made, unless you can do something that may tend to changing of the Interest, which can never be done without this Bill. We have a great many old Laws against Papists, but I did never hear that any thing was done by virtue of them that ever prejudiced the Duke; it was once attempted by a presentment made by a Grand Jury. The success was, that a known material Law of the Land must be broken by an extrajudicial discharge of the Jury, rather than the Law against him should have any Effect. There was a Law not long since made, obliging all Persons that held or executed any Office, to take the Transubstantiation Test; it is true, the *Duke* was so brave Spirited as not to dissemble and take the Test, though haply was earnestly prest with a dispensation. Yet hath not that Law had any effect in favour of
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the Protestant Religion, for though the Duke hath not since acted in his Offices by himself, he put in, as his Deputies, Persons of so much Gratitude as have in all things followed his directions. So that as to himself, the Act hath not proved of any force. There was another Act lately made which was intended chiefly against him; I mean that of Excluding Papists from sitting in either House, there he got himself fairly excepted by name. Now we would secure our Religion by another Bill against him. I find it meets with opposition here, what it may meet with elsewhere I cannot tell. But if *such be his Power under a Protestant King, what may we not justly fear if he should come to be King himself?* I think nothing less than Popery, Misery and Slavery, from which we can never be saved but by having this Bill, and therefore I humbly move you that this Bill may pass.

Mr. Speaker,

D. F. Sir, I will not say that Acts of Parliament cannot dispose of the Succession, because it was made Treason by a Statute in the 13th. of Elizabeth, which I do not remember was ever repealed. But I will deny that the Kings of England Rule by virtue of any Statute-Law, as was suggested, for their Right is by so ancient a proscription as that it may justly be said to be from God alone, and that no Power on Earth ought to dispute it. And I am of opinion, that the Succession of the Crown is inseparably annexed to proximity of Blood, and therefore am not yet altered in my opinion that, if this Bill should pass into a Law, it would be of it self invalid. Which with what hath been already

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said,

said, that we cannot in Justice answer the inflicting of this severe Condemnation without hearing the Party concern'd ; and the improbability of ever attaining this Bill, doth very much weigh with me for my Opinion against this Bill. But, Sir, I think there are many doubts arise from the penning of the Bill, if the Princess of *Orange* should come to the Crown during the Duke's life, and the Duke should afterwards have a Son, must that Son lose his Right for ever ? I see no provision made by this Act to save his Right, and may not that occasion as great a Civil War, between his Generation, and the Princess's Children as ever happen'd between *Tork* and *Lancaster* ; and, Sir, I am still unsatisfied, as to that proviso about the Duke's Children, that it is not made as it ought to be, and I am afraid that in the whole matter we are gratifying *France* and the Papists too, by laying a stumbling block of Division even amongst Protestants themselves, and giving so great an occasion for a Civil War ; which I hope you will endeavour to prevent, by throwing out this Bill.

Mr. *Speaker*,

J. T. Sir, I have hearkened to the objections that have been made against this Bill, which have not convinc'd me, that we want either a just cause or legal Power for the making of this Bill. *If the Popish Interest be grown too strong for the Protestant, then any of these Arguments may serve, for force and Power will supply the defect of them.* Otherways I think they have been so fully answered, as that there is no need more should be said about this matter ; but I am sorry to see that the Protestant Religion and our Lives and Liberties

Liberties must have nothing to depend on, but the continuance of the King's Life, and the good Nature of the Popish Party afterward. And this after such demonstration as we have of the Interest of that Party in *France, Scotland and Ireland*, as well as here; and after a full detection of the growth of that Interest by means of the Duke's, and of the endeavours that are used to possess the Protestants with several Opinions that will tend very much to the strengthening of it, and a clear Discovery that the Plot in favour of Popery goeth on as much as ever. It hath created in me an opinion, that Popery is too strong to be subdued by Laws, and that after this King's Life, *the Protestant Religion must either be overcome by Popery, or defend it self by the Sword.* At least I believe, that this is the Design of some men now about the King, but I hope he will at last hearken to the advice of his Parliament, and prevent the Nation from falling into so miserable a condition: the objection made about the Duke's Son, if he should have any, after either of his Daughters have taken possession of the Government, may in some measure be made against the course of Succession observed in all Kingdoms; if a King die leaving a Queen, the next Heir is presently proclaimed, to prevent an *interregnum*, though there be a possibility of the Queen's being with Child, to whom the Right should in the first place belong. If any such should be born, such a settlement as is designed by this Bill, may destroy the *French and Popish Interest*, but can never be a gratification to them; our Ancestors upon many
 . . . occasions

occasions settled and changed the Succession : Of which he gave many Instances, and concluded for the Bill.

The 17th. of November, 1680.

His Majesty's Message about *Tangier* was read.

HIS Majesty did in his Speech at the opening of this Session desire the Advice and Assistance of His Parliament in relation to *Tangier* : The Condition and Importance of the Place oblige His Majesty to put this House in mind again, that he relies upon them for the Support of it, without which it cannot be much longer preserved. His Majesty doth therefore very earnestly recommend *Tangier* again to the due and speedy Care and Consideration of this House.

Mr. Speaker,

Sir W. J. Sir, I am very sorry that the Business of Supply for *Tangier* is now moved, because I take it to be a Place of great Importance, and that as well for the Honour of the Nation, as Benefit of Trade, it ought to be preserv'd. But, Sir; we have now things of greater importance to look after, of so pressing a nature, and of so dangerous consequence if delay'd, that we cannot answer either to our King or our Country the preferring this before it. *It is a Duty incumbent on us, to secure things at home, on which our All depends, before we enter into an Expence of Time about securing things abroad.* If an Enemy were but coming to invade us, it might be proper

per to Fortifie *Dover-Castle*, *Portsmouth*, or *Plymouth*, or any of our Port-Towns: But if an Enemy were actually Landed, it would be more proper to strengthen *London*, or other Inland Cities or Towns. I am afraid, Sir, this is too much our Case; I am afraid we have got an Enemy within our Bowels, and a great one too, and that it is high time to make preparation to oppose him. We have been already careless and inconsiderate too long; and shall we now go about *Tangier*, instead of continuing our endeavours about that? *Tangier* may be of great Importance to Trade, but, I am afraid, hath not been so managed, as to be any Security to the Protestant Religion. The *Portugueses*, when they delivered it up, did covenant to have one Popish Church remain there, for the convenience of some Priests and Friars, and others of that Nation, that were permitted to stay there; but it was then agreed, That their Mortality should not be supplied, that so after the decease of those persons, the said Popish Church might be demolished, or converted to a Protestant Use. But I am well inform'd, that it hath been otherwise managed, and that the Papists there are now more than ever. And was not my Lord *Bellasis*, now a Prisoner in the Tower for the Plot, Governour of *Tangier*? and I think some others of that Religion; if not, I am sure the Souldiers and their Commanders are most of that Religion: Which makes me conclude, it is a kind of Nursery for Popish Souldiers, and haply, for that reason, as much as for the advantage of Trade, may the Advices given his Majesty in reference to *Tangier* proceed. But, Sir, there is another

ther Consideration, which will make the Debate of *Tangier* improper at this time; It must end in Money, and not a little Sum neither, enough to raise an Army; which although in time I doubt not but this House will be willing to advance, as far as His Majesty's Occasions shall require; yet, I think, Sir, we are not ready for it as yet. We must be better satisfied into whose hands it will go, whether to such Persons as are for the Popish Interest, or Protestant; that so we may not be afraid, that instead of going to the support of *Tangier*, it should be employed to the destruction of the Protestant Religion: When these things have been looked into, and secured, then it will be time to take care of *Tangier*, and of all other His Majesty's Dominions. In the mean time, our Duty binds us to give His Majesty all the satisfaction we can, as to our Proceedings; and therefore I humbly move you, that a Committee may be appointed to draw up an Address for that purpose.

Mr. Speaker,

L.H. Sir, Every one that knows how advantageously *Tangier* is situated to command the greatest Thorow-fare of Commerce in the World; and how by the advance of the Mold it is like to prove an excellent Receptacle for our Merchant Ships, to further and secure them in their Trading Voyages into the *Streights*, and for our Men of War, when they may be employed in those Parts, to check or oppose the *Turks* or other Enemies; how advantageous it is for carrying on a Trade with *Spain* in cases of extremity; and what hopes we have of opening a Trade into *Barbary* that way: I say, every one that

that will consider these things, will, I suppose, have reason to conclude, that it is a Place of great Importance, and not to be slighted. And I cannot believe that it is any Nursery for Popish Souldiers, as hath been argued; for it is well known under what a Regulation our Souldiers are, not only here in *England*, but in *Ireland* too, of taking such Oaths and Tests as secures them to be Protestants. And therefore I am confident they were not Papists when they went hence, or from *Ireland*; and I have not heard there is any such Conversion made among them there, nor do believe there are so many Instruments there for that Work. If this Business come before you unseasonably at this time, it is because the Necessity of the Affair requires haste: For, either this House must speedily give some Assistance for *Tangier*, or else it will be lost. For the *Moors* are come down with such a mighty Army, and His Majesty hath been at so great an Expence already, that He is not able of himself to do more to oppose them. And this sudden Danger could not by any means have been foreseen; for the Motions of the *Moors* with their Armies are not like those of *Europe*, but more quick and sudden, and their Designs and Consultations out of the reach of any Discovery by Intelligence, before put in execution. This Notice is more seasonable now, than it would have been after the Place had been lost, which, I am afraid, will be the next News, if something be not done by this House to relieve it. And therefore I humbly move you to think of some effectual way to relieve it for the present, and secure it for the future against the like Attempts.

Mr.

Mr. Speaker,

J. H. Sir, among the rest of the Regiments that have been sent to *Tangier*, I think there is my Lord of *Dumbarton's*, haply that air might have changed them, but I am sure they were lookt upon as rank Papists all the while they were here, and I believe in *Ireland* too. I have heard that one Argument that was lately given elsewhere against a Bill which we pass'd in this House, was that the Duke had all the Papists in *England* ready for his assistance, that his particular friends had the command of all the places of strength in this Nation, that he had an Army of Twenty two Thousand men in *Scotland* at his Command, that in *Ireland* the Papists were six to one for the Protestants, and that most of the Princes of Christendom were Combined for his assistance; add to this, that the Government of *Tangier* is also at his Command, and I think we shall have no great reason to give Money as yet; I am very well satisfied, Sir, that we ought and must put a trust in the King, an Argument much used in former Parliaments, I do admire hath been so long forgotten in this. I am sensible too that this Nation cannot be happy, unless there be such an understanding between the King and his People, as that Money may be given. But, Sir, if the things I have repeated be true, as I am afraid they are, how shall we be sure that what Money we give, shall ever go to the King? May it not be intercepted by the mighty power, we have been speaking off? May it not be a great temptation for carrying on the Plot, especially as to that part of it that refers to his sacred life?

life? If there were no other reason to be given but this, why we cannot at this time give Money, *I think it enough; for there is a perfect contradiction between the King's Interest, and the Duke's Interest;* and until we see about the King persons less engaged for the Duke's Interest, we cannot Answer the giving of Money; and I humbly move you, that the Committee may make this consideration part of their Address.

Mr. Speaker,

W. H. Sir, my Lord *Bellasis* hath not only been Governour of *Tangier*, but of *Hull* too, and what a place that is to be intrusted with a Papist, I refer to your consideration. And he was not only always in Places of great Trust, but in so great a Power, that none of the Laws of this Land could ever reach him. Only upon breaking out of the Plot, he was Committed to the *Tower*, but now that he is there, he hath so much Power, (he or his Friends for him) as that he hath all the liberty he can there desire; and farther, proceedings against him are kept off by Prorogations and Dissolutions of Parliaments. By which the Evidence of the most material Witnessers as to the Plot is lost, and great endeavours have not been wanting to corrupt or defame the rest. By which it is plain, though he be in the *Tower*, yet his Interest is not much abated, insomuch as many believe that the Dukes Interest, and Popery, is in a great measure carried on, upon consultations held with him and some of the rest in the *Tower*. At least this is certain, that they know all secrets of State as soon as any persons without. And therefore I think we
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are not yet ripe to give Money for *Tangier*. And, Sir, I am of opinion that *Tangier* is a Nursery for Popish Souldiers ; amongst the rest, *I think Capt. Tom. is there who was to have headed the Apprentices Mutiny in London; and if I be not misinformed a Capt. too for that intended eminent service.* When we are assured that we shall have a good Protestant Governour and Garrison in *Tangier*, then I shall heartily give my Vote for Money for it, but I am afraid that will never be, until we are sure of a good Protestant Successour at home. Sir, I see that new dangers start up daily, and that the Popish Interest is strong enough to bid defiance to the Protestants, the power and merits of the Duke being magnified frequently above the King's. How to prevent the growth of it I do not know ; all that we can do at this time is, to appoint a Committee to draw up an Address (as hath been moved) to represent things fairly to the King ; and pray, Sir, let it be drawn with that duty and humility as becomes Subjects, *but with that truth and plainness as becomes a true English House of Commons.*

Mr. Speaker.

E. D. Sir, I am very sensible of the Danger of Popery, and I am sorry to see that our Danger is now greater, than it was seven days ago, seeing we are not like to have those Laws to secure us, which we hoped for ; and therefore I am not for entering into any debate about Money. But, Sir, seeing that *Tangier* is a place of so great importance, and in so great distress, and seeing his Majesty hath so heartily and earnestly recommended it to the
care

care of this House, as well by this Message as by his Speech at the opening of this Parliament. I humbly conceive you will do well to order, that a true account be brought in of the state of *Tangier*, that so it may be in a readiness to be considered at a more leisure time, when you have found out, and are assured that you shall have some expedients to secure you against Popery, that may satisfy this House instead of the Exclusion-Bill. Some such order may satisfy the World, that we were making all the haste we could to supply it, that so the loss of it (in case it should so happen) may not be imputed to this House. And I make no doubt but there may be some way found out, so to lodge and appropriate the Money, as that it may be secure for that use; and therefore I humbly move you that you would order, that an account of the State and Condition of *Tangier*, may be brought in.

Mr. Speaker,

Col. B. Sir, I could wish our fears and jealousies were either so inconsiderable or so well over, as that we were ripe to consider the state of *Tangier*, and into whose hands to lodge Money for it. But if our Bill be miscarried, and the power and strength of the Duke's Party be as I have heard, I think we ought in the first place to consider, whether we have any thing to give or no. And if we find we have not, or that it is in great jeopardy, I think we ought first to secure that a little better, before we treat of securing *Tangier*. I confess the Arguments that I hear have been used elsewhere against our Bill, have a little startled me. For now I see why

all the Laws made against the *Duke* have proved ineffectual; and that, notwithstanding all the Endeavours of Parliament, he hath had the Administration of all Affairs, not only in *England* and *Scotland*, but I think in *Ireland* too (if we believe the Irish Witnesses,) even since the breaking out of the Plot: Even because the Duke and the Popish Interest are, I am afraid, strong enough for the King and the Protestant Interest. And if so, I think we may take it for granted, that we have not any thing of our own; for I conclude, if Popery come in, not only the Church-Lands, but all the Lands we have, will be little enough for them; for they will never want a good, holy, sanctified, religious Pretence to take them from us: Rather than fail, I doubt not but that they will be able convincingly to make out, that we are Bastards, or that they have a Right *Jure divino*; to which there can be no opposition.

Sir, I think we cannot answer to God nor Man the giving of Money, until there be a great Reformation all over the Nation, as to Persons in Trust and Command. Not but that there are very worthy Men in several Places; but I am afraid, no where, without being overpowered by such who are for the Dukes Interest: And, for my part, I desire to speak plain, *I cannot make any distinction between the Duke's Interest and the Popish Interest.* If there be any Body that can split that Hair, I wish he would do the House that service; for I take it to be a material Point, and fit to be agreed some way. And if it be so, Sir, can we give Money, as long as there are eleven to seven in some places certainly

tainly known, and all in others, and in Places of great importance too?

Sir, I am very sensible that this Session can never be successful, nor the Nation happy, unless we come to have so fair an understanding with His Majesty, as that we may freely give Him Money; which, seeing it cannot be done with any security to the King or His Government, as long as the great Affairs of this Nation are thus influenced, that there may be no just cause of having any imputation lie at our door, I agree in the motions that have been made for an Address, and desire it may be drawn very full and plain.

Mr. Speaker,

G. V. Sir, I am much afraid of *Tangier*, but more of a *Popish Successour*. By the one we may lose something of Trade; but by the other, our Religion, and all we have, stands in danger. And therefore until we are secur'd as to that, for my own part, I do not think my self concern'd in any thing else. Sir, for these two years last past there hath been talk of Expedients to secure us against Popery; I believe it was only to quiet our Thoughts, while Popery steals on upon us. For we are so far from having any Expedients brought to perfection, to secure us against Popery, that all Endeavours go on as much as ever to bring in Popery: Parliaments kept off; the Witnesses, as to the Plots, both English and Irish, abused, and consumed; the Church-men set up to labour for a Prosecution of the Dissenters, in order to divide yet more the Protestant Interest; and false Witnesses, in favour of Popery, countenanced and encouraged.

Sir, These are strange Expedients against Popery; I begin to be perswaded that our case is very desperate, and that the Popish Party themselves cannot contrive any thing for us that will look like an Expedient: For, I make no doubt, but the whole Cabal of *Jesuits* have been at work about it, and that they would have spawn'd something, if it had been possible, before now. But I believe it is found to be very difficult to find out any thing that will look like an Expedient, and yet not prove so: And therefore now they are plainly carrying on those things that must be prosecuted in order to establish Popery, in case the expectation of Expedients should not longer lull the People asleep: The ridiculing of the Plot, the Divisions between our Church-men and Dissenters, and the danger or inconsistency of Parliaments with a Monarchical Government. Which things will deserve a longer Debate, when you shall think good to appoint a Day for them. But, in the mean time, we cannot give Money, without endangering the Religion and Government of the Nation. But that we may always shew to his Majesty's Messengers, that Respect which is due to them, and, if possible, satisfy him, that our Resolutions are grounded on true Reason, let a Committee be appointed to draw up an Address, upon the Debate of the House.

Mr. Speaker,

S. T. Sir, I think that no body should move you to take the State of *Tangier* into your Consideration at this time, without an Apology: For, if we should be perswaded thereto, we may be reflected on, as *Nero* was, *for being playing on his*

his Fiddle when Rome was on fire. When we are in such danger to have our Throats cut from within, to what purpose will it be to spend our time about securing things abroad; especially when we plainly see, it cannot be effected by any Supplies, without encreasing our Fears and Dangers of our Destruction? Is not all *England* in danger to be lost? Let us secure the Ship before we dispose of the Cabbins. When we are secure against a Popish Successor, and the fear of having a Popish King, then it will be time to think of *Tangier*: For, as the Power of a Popish Successor hath lately appear'd, in the Opposition made to our Bill, so, I make no doubt but it will appear in the Management of our Money too, if we should give any: When the Stomach is clean, what Food a Man takes turns to Nutriment, and preserves the Life and Strength of the Body; but when the Stomach is foul, Food turns to Humour and Destruction: Sir, so it is with the Body Politick; When the King shall be pleased to remove from him such as give him ill Advice, and are against the Protestant Interest, that so we may have reason to presume that the Money will be employed for our good, then I hope we shall be ready to shew our Duty, in giving as much Money as His Occasions shall require; otherwise I am afraid we may be served as we have been formerly. *I remember when 1100000 l. was given for Building of Ships, and not one Ship built; and above Two Millions given to support the Triple League, and then it was presently employed for the breaking of it; when 1200000 l. was given for an Actual War with France, when at the same time we were under all*

the Obligations for Peace, and so continued. Sir, these are such material *Memento's* as we ought never to forget, until we have more cause to look forwards, and not backwards; which I pray God we may have very speedily, and then I shall be ready to join in giving of Money, and be very well content to forget all that is past. But as yet I think our Condition is not so happy, but rather fear the Management of our Affairs is very much out of order: *For though we had never more Treasurers, yet never less Money; never more Admirals, yet never a worse Fleet; and though never more Counsellours, yet never less Safety.* Of which I hope His Majesty is, or will be sensible. For, it cannot be imagined, that seeing he hath so much care for *Tangier*, he should want any for the *Nation*. That we may do our Duty, in giving Him the best Advice we can, let us give him the Grounds and Reasons of our Proceedings, by an Address, as hath been moved.

Mr. Speaker,

Lord R. If ever there should happen in this Nation any such Change, as that *I should not have liberty to live a Protestant, I am resolved to die one*; and therefore would not willingly have the Hands of our Enemies strengthened, as I suppose they would be, if we should give Money while we are sure it must go to the hands of the Duke's Creatures. Doth not the Duke's Interest endanger the King's Life? and are not our Lives and Fortunes in danger to be swallowed up by his Power? and shall we yet make him stronger, by putting Money into their hands? No, Sir, they are too strong already; but whenever His Majesty

Majesty shall be pleased to free us of the danger of a Popish Successor, and remove from his Council and places of Trust, all those that are for his Interest, (because there can be no distinction made between the Duke's Interest and Popish,) then, Sir, I will conclude, that what Money we shall give, will be disposed off according to his Majesty's own Royal pleasure, and for the true Protestant Interest. And I shall be ready to give all I have in the World, if his Majesty should have occasion for it; but in the meantime I pray Sir, let us not endeavour to destroy our selves by our own hands. If we may not be so happy as to better the condition of the Nation, I pray Sir, let us not make it worse. And until the King shall be pleased to give us encouragement to express our Duty and Loyalty to him by giving him Money, let us do it by making an Address.

Mr. Speaker,

W. L. Sir, I have reason to have some knowledge of *Tangier*, having been there my self, and convers'd all my life time with Persons that have gone up and down the *Streights* and been there many times, but I cannot agree with those worthy Members that make it a place of so great importance. That we shall ever thereby open a Trade with the *Moors* is a mere *Chimera*; they will not have any Trade with us. All the hopes we can have of any advantage from it, is from the *Mold*, if it should be finished. But I am afraid we have seen the best of it, and that it will hardly ever be brought to more perfection than it is. But Sir, if it should, in a time of peace with *Spain*, it will be of little use to us;

for the Bay of *Cadiz* is upon several accompts so much more convenient for Ships to stop at, that it will always be preferred. For they will not only have a safe riding, but the Merchants Ships great advantages, made by Freight or Sales of Goods, which generally happens in that Port, and of good Company, whether going up or down the *Streights*. Our Men of War do not there want Conveniencies to Careen, or other necessities, and will be then more ready to do the Nation service, by convoying Ships, than at *Tangier*, as also to carry on the money Trade. But it is true that in a time of a War with *Spain*, it would be very serviceable to us. But if it must cost 100000*.l.* per annum, and if a War with *Spain* be not like to happen one year in twenty, I am of opinion that the certain charge will amount to more than the uncertain inconveniency, and therefore that we need not be so extremely concern'd for it.

Mr. Speaker.

T.L. Sir, I should not have concern'd my self in this debate, but that I differ from that worthy Member that spoke last. For I think it would be a great blow not only to the Honour, but to the Trade of the Nation, if *Tangier* should be lost. For it will always be serviceable, as well for our Men of War to resort to for Provisions, and to be clean'd, in order to check the rapine of the *Turks*, or oppose other Enemies, as for the protection of our Merchant-men. In time of Peace with *Spain*, it will (if we have Enemies) be better have two Ports than one; in time of War with *Spain*, much better have this than none. And even in the time of Peace, it must be

be serviceable upon many occasions, because of its Situation on the *Barbary* side as I take it, and *Cadiz* on the Christian Shore, and both near the *Streights-Mouth*, the greatest passage for Ships in the World. And by parting with it, we may not only be prejudiced for want of the conveniency of it, but by the great inconveniencies that may arise, by falling into the hands of the *French*, *Turks*, *Moors*, or *Spaniards*. And therefore I think the charge of maintaining it, must not be considered in this case, and it is not so much, but that if we could once fall into the way of sending good Governorsthere, that would mind the promoting of Trade, haply the gains that might be levied thereon, would in some time prove sufficient to maintain the Garrison. And if we should now part with it, we should lose the two Millions we have laid out on the *Mold*, which I think, may also be worth our consideration. Sir, I do well remember what a cry there was in this Nation, upon the delivery up of *Dunkirk* to the *French*; I believe if *Tangier* should be delivered up there would be more, and I think not without cause too. For I am afraid, that whenever we may have a War with *France*, we shall find that he hath already too many locks upon us in the *Streights*, seeing he is so formidable at Sea. And I think if it were for no other reason but to secure the place out of his hands we ought to keep the possession of this place.

Mr. Speaker,

L. J. Sir, by the discourse which the worthy Member made which spoke last, I hope you are fully satisfied that *Tangier* is a place of great importance, and you may conclude that his Majesty

jeſty is clearly of that opinion, or elſe it is not likely that after he had recommended it to you in his Speech, he would now ſo ſoon have minded you of it again by his Meſſage. And being ſo, I hope this Houſe will not have the loſs of it lie at their Doors, which I take for granted, will be the Fate thereof, if ſome Supply be not given for its ſupport ſpeedily. For his Ma- jeſty's Revenue will not bear the advancing of more Money towards it, the great ſupplies lately ſent, having been very chargeable; and yet there muſt be an additional Supply, and that a conſiderable one too ere long, to make up the Garrifon four thouſand men, or elſe the Govern- our Writes he cannot be in a poſture to defend the Town, the Army of the *Moors* is ſo Potent.

Sir, I have heard the many Reaſons that have been given, why Money cannot be at preſent advanced, I cannot ſay without being much concerned to hear the Miniſters ſo Ar- raigned, and I think without cauſe; For I be- lieve there are none about his Maſteſty but what are very good Proteſtants, and willing to do all they can for that Intereſt: Which I hope upon a further conſideration, will not be found to be in ſuch apparent danger. But if there be any thing amiſs (which in the management of ſo great Affairs, under ſuch difficulties as the Na- tion hath lately ſtrugled under) may poſſibly be, I am confident the loſs of *Tangier* will no way remedy it; but on the contrary, the giving of Money for the ſupport of *Tangier*, being his Maſteſty doth ſo earneſtly deſire it, is, I think the only way for this Houſe to gain a good Opinion with his Maſteſty, and to obtain what they

they desire ; and therefore I hope you will take it into your consideration.

Mr. *Speaker*,

Sir *F. W.* Sir, My apprehensions as to the State of the Nation, and danger of Popery, are no way abated by what this Honourable Member hath said, and therefore I think the business of *Tangier* looks too little for this Days debate. Especially if we consider how the Bill upon which all our hopes were grounded as to the security of our Religion hath been used by the Lords, thrown out, without so much as a conference, whereas they do not usually do so, with Bills that relate to some little trade. It is strange that after they have so often declared the danger of Popery, and a Popish Plot, *they will neither receive any remedy from us, nor propose any to us.* But rather on the contrary be so industrious to blast all our endeavours that tend that way; well may we be afraid of our Religion, *if the Fathers of the Church will join, in being against the only means that can save it.* These are fresh instances of the mighty power, and influence of a Popish Successor; what may we expect from them if we should have a Popish King? I think, Sir, if there were no other reason, it is enough to make us cautious how we give Money; and take such notice of in our Address as may be convenient.

Mr. *Speaker*,

Sir *W. T.* Sir, This debate hath more of weight in it, than the business of *Tangier*, I think.

think. As affairs now stand, the most part of Christendom is concerned in it, I am sure all the Protestants. And therefore I hope your patience will hold out, to have the whole Circumstances of it fairly Examined : For the Arguments that have been offered in the consideration of this Message, have enlarged the debate further than was at first intended, and have brought the whole State of the Nation in some measure before you, instead of that one particular business of *Tangier* ; so that now what Resolve you make will be a Discovery of your Inclinations, not only as to what you intend to do as to a supply for *Tangier*, but as to giving Money for Alliances and all other occasions, upon which result the good or bad success of this Parliament doth depend. As to *Tangier*, I do agree with that worthy Member that spoke before, (though many are of a different Opinion) that it is not of any great use to us upon the account of any advantage we shall make by it. But however I think it is very well worth our keeping ; because of the disadvantages we should receive by it, if it should fall into the hands either of the *Turk* or *Spaniard*, but especially the *French* ; who will not only be thereby enabled to fetter us, as to our Trade in the *Levant*, but to curb also all other Nations whatsoever ; and be such an addition to the too great Power he hath acquired, both by Sea and Land already, that I am of Opinion we ought to be very cautious how we weaken the Security we now have that it shall not fall into his hands. But if the Mold and the Town could be blown into the Air, or otherwise reduced into its first
Chaos,

Chaos, I think, considering the charge it will cost keeping, *England* would not be much the worse for it; but to move you to consider any thing about that, at this time, cannot be proper, because the *Moors* have so besieged it, that the first thing that must be done, whether in order to keep it or destroy it, is, to beat them off, by some speedy Supplies which must be presently sent, or else the Town according to the best Information come from thence, is like to be lost. And, Sir, I think this single consideration may be perswasive to move you to give some such Supply as may be precisely necessary for the defence and protection of this Place. A small Sum of Money, in comparison of what this House hath formerly given, may be sufficient to satisfy his Majesty's expectation, and secure the Place too. But I must confess, Sir, it is not the consideration of *Tangier* that makes me press you to it; but the deplorable Estate of the Protestants abroad. Sir, I have had the honour to serve his Majesty in some publick Employments; and by that means may be a little more sensible of the State of Affairs in reference to our Neighbours, than others may be, having not only had the advantage of Information, but was under a necessity of using my best endeavours to get a true accompt of them. Sir, *I am confident the Eyes of all Europe are upon this Parliament, and not only the Protestants abroad, but many Catholick Countries (who stand in fear of the Power of France) do think themselves as much concerned in the Success of this Parliament, as this House, and will be as much perplexed to hear any ill news there-*
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of. This, Sir, as well as the necessities of our Affairs at home, make me trouble you at this time, to desire you to be careful what you do, that we may not occasion in his Majesty any dislike to this House. Whatever you do as to the business of Money for *Tangier*, I pray, Sir, let there be no notice taken in your Address, of the Lords having cast out your Bill, for we have no reason to think the King was any ways concern'd therein. To throw out a Bill of so great importance, without a conference, was in my humble opinion very strange, and contrary to the usual proceedings of that House. But pray, Sir, let it lie at their Doors that did it, for the King could not be concern'd in a Parliamentary way. For by this means we may obviate all misunderstandings with his Majesty about this Affair, and I hope, create in him a good opinion of this House, upon which the welfare not only of this Nation but of *Europe* doth much depend.

Sir, His Majesty in his Message puts you in mind of giving advice as well as Money, I think if we make that expression, the ground of our Address, we may Naturally graft very good things thereon, especially what may conduce to the preservation of a fair Correspondence. Sir, *Though a King alone cannot save a Kingdom, yet a King alone can do very much to Ruin it; and though Parliaments alone cannot save this Kingdom, yet Parliaments alone may do much to Ruin it.* And therefore we cannot be too circumspect in what we do. It is our Fortune to sit here in a *Critical* time, when not only the Affairs of this Nation, but the Protestant Religion abroad
need

need our continuance, and for the same reason we may justly fear that there are those who endeavour to contrive the putting off this Parliament. I pray, Sir, let us not give them any advantage, and then I doubt not but his Majesty's care and goodness, will at last overcome all difficulties, and bring this Session to a happy Conclusion.

Mr. Speaker,

E. D. Sir, I think his Majesty may easily send succour to *Tangier* without any great charge. Here are three or four Regiments of Souldiers about this Town which do rather hurt than good to the Nation, and therefore may very well be spared, and then that Money which pays them now here, may pay them there, and so I suppose there will be no need of Money, save only for their Transportation.

Mr. Speaker,

P. Sir, This business hath been so long and fairly debated, as that I think it is high time you should come to a question, and put the business off your hands. I hope there will be great care taken in drawing this Address; that so our Enemies may not have any ground to represent us as a stubborn Parliament, that have no intention to give Money upon any Terms whatsoever. I think Sir, we may be plain with his Majesty, and give him as full assurance as ever any House of Commons did, that when we have those things granted, which are unavoidably necessary for the preservation of our Religion, that we will freely and heartily give Money for the supply of his occasions, and I cannot but hope, that such fair proceedings

ings will occasion a happy Issue to this Parliament. For it cannot be doubted, but that the King is very sensible, *That he owes more to his people in general, than to any one man, be he Brother or any other Relation, and that he cannot without much trouble to himself, because of his Coronation-Oath, longer permit that our Laws and Religion should be in such imminent danger.* And therefore I hope that we shall not only have a fair Correspondency continued, but also a gracious compliance in what we have desired for the effectual security of our Religion, and therefore would desire you to put the question for a Committee.

Resolved, *That a Committee be appointed to draw up an Address to be presented to his Majesty upon the debate of the House, humbly representing to his Majesty the dangerous State and Condition of the Kingdom, in Answer to his Majesty's Message.*

The Humble Address of the Commons in Parliament As- sembled.

May it please your most
Excellent Majesty,

WE Your Majesty's most Obedient and Loyal Subjects, The Commons in Parliament Assembled, having with all Duty and regard taken in to our Serious Consideration Your Majesty's late Message relating to Tangier, cannot but account the present Condition of it, as Your Majesty is pleased to represent it in Your said Message, (after so vast a Treasure expended to make it useful) not only as one Infelicity more added to the afflicted Estate of Your Majesty's faithful and Loyal Subjects, but as one result also of the same Counsels and Designs which have brought Your Majesty's Person, Crown and Kingdoms into those great and imminent Dangers, with which at this day they are surrounded; And we are the less surprized to hear of the Exigencies of Tangier, when we remember that since it became part of your Majesty's Dominions, it hath several times been under the Command of Popish Governors, (particularly for some time under the Command of a Lord Impeached, and now Prisoner in the Tower for the Execrable and Horrid Popish Plot) That the Supplies sent thither have been in great part made up of Popish Officers and Souldiers, and that the Irish Papists amongst the Souldiers of that Garrison, have been the Persons most Countenanced and Encouraged.

To that part of your Majesty's Message which expresses a reliance upon this House for the support of Tangier, and a recommendation of it to our speedy care, We do with all humility and reverence give this Answer, That although in due Time and Order, we shall omit nothing incumbent on us for the preservation of every part of your Majesty's Dominions, and advancing the prosperity and flourishing Estate of this Kingdom; yet at this time, when a Cloud which has long threatned, this Land, is ready to break upon our heads in a storm of Ruine and Confusion, to enter into any further consideration of this matter, especially to come to any Resolutions in it, before we are effectually secured from the imminent and apparent Dangers arising from the Power of Popish Persons and Councils, We humbly conceive will not consist either with our Duty to Your Majesty, or the Trust reposed in us by those we represent.

It is not unknown to your Majesty how restless the Endeavours, and how bold the Attempts of the Popish Party, for many Years last past, have been, not only within this, but other your Majesty's Kingdoms, to introduce the Romish, and utterly to extirpate the true Protestant Religion. The several Approaches they have made towards the compassing this their Design (assisted by the Treachery of perfidious Protestants,) have been so strangely successful, that it is matter of Admiration to us, and which we can only ascribe to an Over-ruling Providence, that your Majesty's Reign is still continued over us, and that we are yet assembled to consult the means of our Preservation. This bloody and restless Party, not content with the great Liberty they had a long time enjoyed, to exercise their own Religion privately amongst themselves, to partake of an equal Freedom of their Persons and Estates with your Majesty's Protestant Subjects, and of an Advantage above them, in being excused
from

from chargeable Offices and Employments, hath so far prevailed, as to find countenance for an open and avowed practice of their Superstition and Idolatry, without controul, in several parts of this Kingdom. Great swarms of Priests and Jesuits have resorted hither, and have here exercised their Jurisdiction, and been daily tampering to pervert the Consciences of your Majesty's Subjects. Their Opposers they have found means to disgrace, and if they were Judges, Justices of the Peace, or other Magistrates, to have them turned out of Commission; and in contempt of the known Laws of Land, they have practised upon People of all Ranks and Qualities, and gained over divers to their Religion; some openly to profess it, others secretly to espouse it, as most conducing to the service thereof.

After some time they became able to influence matters of State and Government, and thereby to destroy those they cannot corrupt. The continuance or Prerogation of Parliaments has been accommodated to serve the Purposes of that Party. Money raised upon the People to supply your Majesty's extraordinary Occasions, was by the prevalence of Popish Councils employed to make war upon a Protestant State, and to advance and augment the dreadful Power of the French King, though to the apparent hazard of this, and all other Protestant Countries. Great numbers of your Majesty's Subjects were sent into, and continued in the service of that King, notwithstanding the apparent Interest of your Majesty's Kingdoms, the Addresses of the Parliament, and your Majesty's gracious Proclamations to the contrary. Nor can we forbear to mention, How that at the beginning of the same War, even the Ministers of England were made Instruments to press upon that State, the acceptance of one demand, among others, from the French King for procuring their Peace with him,

that they should admit the publick exercise of the Roman Catholick Religion in the United Provinces, the Churches there to be divided, and the Romish Priests maintained out of the publick Revenue.

At home, if Your Majesty did at any time by the Advice of Your Privy Council, or of Your two Houses of Parliament, Command the Laws to be put in Execution against the Papists, even from thence they gained advantage to their Party, while the edge of those Laws was turned against Protestant Dissenters, and the Papists escaped in a manner untouched. The Act of Parliament, enjoining a Test to be taken by all Persons admitted into any Publick Office, and intended for a security against Papists coming into Employment, had so little effect, that either by Dispensation, obtained from Rome, they submitted to those Tests, and held their Offices themselves, or those put in their places were so favourable to the same Interests, that Popery it self has rather gained than lost ground since that Act.

But that their business in hand might yet more speedily and strongly proceed, at length a Popish Secretary (since Executed for his Treasons) takes upon him to set afoot and maintain correspondencies at Rome (particularly with a Native Subject of Your Majesty's, promoted to be a Cardinal) and in the Courts of other Foreign Princes (to use their own form of Speech) for the subduing that Pestilent Heresie, which has so long domineer'd over this Northern World; that is, to Root the Protestant Religion out of England, and thereby to make way the more easily to do the same in other Protestant Countries.

Towards the doing of this great worke, (as Mr. Coleman was pleased to call it) Jesuits (the most dangerous of all Popish Orders to the Lives and Estates of Princes) were distributed to the several Precincts within this Kingdom, and held joint Councils with those of the same Order in all Neighbour Popish Countries: Out of these Councils and Correspondencies was hatcht that damnable and hellish Plot, by the good Providence of Almighty God brought to light above two Years since, but still threatening us; wherein the Traitors impatient of longer delay, reckoning the prolonging of Your Sacred Majesty's Life (which God long Preserve) as the Great Obstacle in the way to the Consummation of their hopes, and having in their prospect a Proselyted Prince immediately to succeed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of your Majesty, to carry it on with Armed Force, to destroy your Protestant Subjects in England, to Execute a second Massacre in Ireland, and so with ease to arrive at the Suppression of our Religion, and the Subversion of the Government.

When this accursed Conspiracy began to be discovered, they began the smothering it with the Barbarous Murther of a Justice of the Peace, within one of your Majesty's own Palaces, who had taken some Examinations concerning it.

Amidst these distractions and fears, Popish Officers, for the command of Forces, were allowed upon the Musters by special orders (surreptitiously obtained from your Majesty) but Counter-signed by a Secretary of State, without ever passing under the Tests prescribed by the aforementioned Act of Parliament. In like manner above fifty new Commis-
sions

sions were granted about the same time to known Papists, besides a great number of desperate Popish Officers, though out of Command, yet entertained at half pay. When in the next Parliament the House of Commons were prepared to bring to a legal Trial the principal Conspirators in this Plot, that Parliament was first Prorogued, and then Dissolved. The Interval between the Calling and Sitting of this Parliament was so long, that now they conceive hopes of covering all their past Crimes, and gaining a seasonable time and advantages of practising them more effectually.

Witnesses are attempted to be corrupted, and not only promises of Reward, but of the Favour of your Majesty's Brother, made the Motives to their Compliance. Divers of the most considerable of Your Majesty's Protestant Subjects, have Crimes of the highest nature forged against them, the Charge to be supported by Subornation and Perjury, that they may be destroyed by Forms of Law and Justice.

A Presentment being prepared for a Grand-Jury of Middlesex, against Your Majesty's said Brother the Duke of York, (under whose Countenance all the rest shelter themselves) the Grand-Jury were in an unheard of, and unprecedented, and illegal manner discharged, and that with so much haste and fear, lest they should finish that Presentment, that they were prevented from delivering many other Indictments by them at that time found against other Popish Recusants. Because a Pamphlet came forth Weekly, called, *The Weekly Packet of Advice from Rome*, which exposes Popery (as it deserves) as ridiculous to the People, a new and arbitrary Rule of Court was made in Your Majesty's Court of King's Bench

Bench (rather like a Star-Chamber; than a Court of Law) That the same should not for the future be Printed by any Person whatsoever.

We acknowledge Your Majesty's Grace and Care in issuing forth divers Proclamations since the Discovery of the Plot, for the Banishing Papiſts from about this great City, and Residence of Your Majesty's Court, and the Parliament ; but with trouble of Mind we do humbly inform Your Majesty, That notwithstanding all those Prohibitions, great Numbers of them, and of the most dangerous Sort, to the Terror of Your Majesty's Protestant Subjects, do daily resort hither, and abide here. Under these and other sad Effects and Evidences of the Prevalency of Popery, and its Adherents, We Your Majesty's Faithful Commons found this Your Majesty's Distressed Kingdom, and other Parts of Your Dominions labouring, when we assembled.

And therefore from our Allegiance to Your Majesty, our Zeal to our Religion, our Faithfulness to our Country, and our Care of Posterity, We have lately, upon mature Deliberation, proposed One Remedy of these Great Evils, without which (in our Judgments) all others will prove vain and fruitless, and (like all deceitful Securities against certain Dangers) will rather expose Your Majesty's Person to the greatest hazard, and the People, together with all that's valuable to them as Men or Christians, to utter Ruine and Destruction. We have taken this occasion of an Access to Your Majesty's Royal Presence, humbly to lay before Your Majesty's great Judgment and Gracious Consideration this most dreadful Design of Introducing Popery, and, as necessary Consequences of it, all other Calamities, into Your Majesty's Kingdoms. And if after all this,
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the private Suggestions if the subtile Accomplices of that Party and Design should yet prevail, either to Elude or Totally Obstruct the faithful Endeavours of Us Your Commons for an happy Settlement of this Kingdom, we shall have this remaining Comfort, That we have freed our selves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sacred Majesty, That by Your Great Wisdom and Goodness, we may be effectually secured from Popery, and all the Evils that attend it; and that none but Persons of known Fidelity to your Majesty, and sincere Affections to the Protestant Religion, may be put into any Employment, Civil or Military; that whilst we shall give a Supply to Tangier, we may be assured we do not Augment the Strength of our Popish Adversaries, nor increase our own Dangers. Which Desires of Your faithful Commons, if Your Majesty shall graciously vouchsafe to grant, we shall not only be ready to assist Your Majesty in Defence of Tangier, but do whatsoever else shall be in our Power to enable Your Majesty to Protect the Protestant Religion and Interest, at Home and Abroad, and to Resist and Repel the Attempts of Your Majesty's and the Kingdoms Enemies.

The 13th of November, 1680.

November

November 13. 1680.

Several persons Examined about the dismissing of a Grand-Jury in Middlesex.

Mr. Speaker,

Sir W. J. SIR, The preservation of the Government in general, as well as our particular safeties, have a dependance upon the matter that is now before you, in which there are so many Miscarriages so complicated, as there ariseth some difficulty how to Examine them. I cannot but observe, how the Proclamation is here again mentioned; by which you may conclude, there lieth a great weight on the peoples right to Petition by means thereof, and that the best way to remove it, is to find out the Advisers and Contrivers of that Proclamation, in order to proceed against them according to their deserts: Without which, what you have done in asserting the Right of Petitioning, will remain with some doubt; and those that advised the proclaiming to the people, that it is Seditious to Petition the King, without that chastisement they deserve. And therefore I humbly conceive, you will do well to consider of it as soon as you can. It is not strange, that the Proclamation should be made use of with Country-Gentlemen, to get Abhorrrers to Petitioning, seeing the Judges themselves have made use of it to that purpose. They should have known, that though a Proclamation might be of great use, to intimate the observation of a Law, yet that it had never been used
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instead of a Law. But yet I do not admire so much at this, as I do at the Discharge of the Grand-Jury, before they had finished their Presentments. *It tends so much to the Subversion of the establisht Laws of this Land, that I dare pronounce, that all the Laws you have already, and all that you can make, will signify nothing against any great man, unless you can remedy it for the future.* I observe, there were two Reasons why this Grand-Jury were so extrajudicially discharged; one because they would otherwise have presented the Duke of York for a Papist; the other, because they presented a Pétition to be delivered to the King for the Sitting of the Parliament, which they said it was not their business to deliver. Though I cannot but observe, how upon other occasions they did receive Petitions, and delivered them to the King; *and all the difference was, that the Petitions so delivered, were against sittings of Parliaments.* The truth is, I cannot much condemn them for it; for if they were guilty of such Crimes as the Witnesses have this day given you information of, I think they had no reason to further Petitions for the sitting of a Parliament. But, Sir, this business will need a further Information, and therefore I humbly pray it may be referred to a Committee.

Mr. Speaker,

Sir F. W. Sir, I think we are come to the old times again, *When the Judges pretended they had a rule of Government, as well as a rule of Law; and that they have acted accordingly.* If they did never read *Magna Charta*, I think they are not fit to be Judges; if they have read *Magna Charta*, and do thus so contrary, they deserve a severe chastisement. To Discharge Grand-Juries of purpose to
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disappoint them of making their Presentments, is to deprive the Subject of the greatest benefit and security the Law hath provided for them. *If the Judges instead of acting by Law, shall be acted by their Ambition, and endeavour to get promotions rather by worshipping the rising Sun, than by doing Justice,* this Nation will soon be reduced to a miserable condition. Suppose that after the Discharge of this Grand-Jury, some person had offered to present some Murther, Treason, or other Capital Crime, for want of the Grand-Jury, there would have been a failure of Justice. As faults committed by Judges are of more dangerous consequence than others to the Publick; so there do not want Presidents of severer Chastisements for them than for others. I humbly Move you first to pass a Vote upon this business of Discharging Grand-Juries, and then to appoint a Committee to examine the Miscarriages of the Judges in *Westminster-hall*, and to Report the same with all speed to you.

Mr. Speaker,

S. T. Sir, As it hath been observed that this business hath some reference to the Proclamation, so I believe there is something of the Plot in it too. And therefore I think if *this Plot do not go on, it will have the worst luck that ever Plot had*; seeing the Judges, as well as most other persons in publick places, have given it as much assistance as they well could. But whereas some have spoken ill of these Judges, I desire to speak well of them in one thing: I am confident they have herein shewed themselves grateful to their Benefactors; for I do believe that some of them were prefer'd to their places of purpose, because they should do what they have done. Laws of themselves are

but dead Letters: unless you can secure the execution as well of those you have already, as of those you are now making, we shall spend our time to little purpose. Therefore I second the Motion that hath been made for a Vote, to declare the sense of the House as to the Discharging of Grand-Juries; and for referring the farther Examination to a Committee.

Mr. Speaker,

W. S. Sir, The business of this Debate, is a great instance of our sick and languishing condition. As our Ships, Forts and Castles are for securing us from the danger of our Enemies from abroad, so our Laws from our Enemies at home; and if committed to such persons as will turn their strength upon us, are equally dangerous. Sir, *We all know how the Government of Scotland hath been quite altered since His Majesty's Restauration, by some Laws made there; pray let us have a care that ours be not altered by the Corrupt Proceedings of Judges, lest we be reduced to the same weak condition of defending our selves against Popery and Arbitrary Government here, that they are there.* If Judges can thus prevent the Penalties of the Law, by discharging Grand-Juries before they have made their Presentments, and can make Laws by their Rules of Court, I think the Government may soon be subverted; and therefore that it is high time for this House to speak with those Gentlemen. In former times several Judges have been Impeached, and Hanged too, for less Crimes than these; and the reason was, because they had *broke the King's Oath as well as their own.* If what hath been said of some of these Judges be fully proved, they shall not want my Vote to inflict on them the same Chastisement.

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The truth is, Sir, I know not how the ill consequences we justly fear from Judges, can be prevented, as long as they are made *distant & inexplicato*, and have such dependancies as they have. But this must be a work of time. In order to remedy our present grievances, let us pass a Vote upon this business of Discharging Grand-Juries, and that it may be penn'd as the case deserves, if you please, let it be drawn up by a Committee that may withdraw for that purpose; and let there be also one appointed to Examine the Miscarriage of the Judges.

Mr. Speaker, I would beg leave to observe to you, H. P. Sir, I would beg leave to observe to you, because I think it may be necessary to be considered by your Committee, what an opinion was given not long since by some of these Judges about Printing; which was, that Printing of News might be prohibited by Law, and accordingly a Proclamation issued out. I will not take on me to censure the Opinion as Illegal, but leave it to your further consideration. But I remember there was a Consultation held by the Judges a little before, and they gave their Opinion, that they knew not of any way to prevent Printing by Law, because the Act for that purpose was expired. Upon which some Judges were put out, and new ones put in, and then this other Opinion was given. These things are worthy of a serious Examination. For if Treasurers may raise Money by shutting up the Exchequer, borrowing of the Bankers, or Retrenchments, and the Judges make new Laws by an ill Construction, or an ill Execution of old ones; I conclude, That Parliaments will soon be found useless, and the Liberty of the people an inconvenience to the Government.

And therefore I think, Sir, you have been well Moved to endeavour to pass your censure on some of these Illegal proceedings by a Vote, and to refer the farther consideration to a Committee.

Resolved, That the Discharging of a Grand-Jury by any Judge, before the end of the Term, Assizes, or Sessions, while matters are under their consideration, and not presented, is Arbitrary, Illegal, destructive to publick Justice, a manifest violation of his Oath, and is a means to subvert the Fundamental Laws of this Kingdom.

Resolved, That a Committee be appointed to examine the proceedings of the Judges in Westminster-hall, and Report the same with their Opinion therein to this House.

December 15. 1680.

The House being Summoned by the Black-Rod to the Lords House, His Majesty made a Speech to them, and then they returned to their own House.

His Majesty's most Gracious Speech to both Houses of Parliament, on Wednesday the 15th of December, 1680.

My Lords and Gentlemen,

AT the Opening of this Parliament, I did acquaint you with the Alliances I had made with Spain and Holland, as the best Measures that could be taken for the Safety of England, and the Repose of Christendom.

But

But I told you withal, that if our Friendship became unsafe to trust to, it would not be wondrous at, if Our Neighbours should begin to take new Resolutions, and perhaps such as might be fatal to Us.

I must now tell you, That Our Allies cannot but see how little has been done since this Meeting, to encourage their dependance upon Us: And I find by them, that unless We can be so united at home, as to make Our Alliance valuable to them, it will not be possible to hinder them from seeking some other Refuge, and making such new Friendships, as will not be consistent with Our Safety: Consider, that a neglect of this Opportunity is never to be repaired.

I did likewise lay the matter plainly before you, touching the state and condition of Tangier: I must now tell you again, That if that place be thought worth the keeping, you must take such consideration of it, that it may be speedily supply'd; it being impossible for Me to preserve it at an Expence so far above My power.

I did promise you the fullest satisfaction your hearts could wish, for the Security of the Protestant Religion, and to concur with you in any Remedies, which might consist with preserving the Succession of the Crown in its due and legal course of Descent: I do again, with the same Reservations, renew the same Promises to you.

And being thus ready on My part to do all that can reasonably be expected from Me, I should be glad to know from you, as soon as may be, how far I shall be assisted by you, and what it is you desire from Me.

Mr. Speaker,

W. G. Sir, I would willingly Move you to appoint a day to consider of His Majesty's Speech now made to both Houses, because it is according

to the usual Methods of Parliament; and I should be sorry to see this House shew less respect to His Majesty's Speeches; than former have done. But upon hearing it now Read, I do conclude, that it will be to little purpose to appoint a day for the consideration of it, because every Paragraph of it tends to Money, unless that about securing Religion, if it may be so understood, notwithstanding the Reservation in it about the Succession. We have already endeavour'd by several Addresses we have made, to assure His Majesty of our Loyalty and readiness to promote whatever may tend to his Happiness and Greatness; and that when we are secured of our Religion, we will readily give Money: we can do no more than confirm the same, after we have considered this Speech. We having not yet had any encouragement to give Money, we have made several Addresses for relief of some Grievances the people lie under, but hath any one of them been granted? We have finished one Bill against Popery, but what success hath it had elsewhere? thrown out as hastily as if it had carried a fire-ball with it. And yet now it seems there is nothing to be done but giving of Money; as if all our complaints were granted, the Protestant Religion secured, and nothing wanting to satisfy the people. Sir, I think the complaints of the Nation, as to the danger of Popery, are so great and so reasonably grounded, as that it cannot be expected they should longer be satisfied with words or pretences, because we have met with many disappointments, especially after giving of Money. And therefore considering the desperate case we are in, it will not be convenient we should go that way now, but keep our Money until we have got

Laws. Which, I think, is the best service we can do those who sent us here, as the case stands. For these reasons, I think, we had best adjourn the Considerations of this Speech to some other time.

Mr. Speaker,

S. T. Sir, we have been long jealous that there are people that endeavour to create a Misunderstanding between His Majesty and this House; which it is our business to prevent. If there be a difference between two men, and the one will not hear what the other offers, but be utterly against all Proposals, it would be hard to reconcile two such persons, Treaties and Debates being a proper way to come to a fair understanding. It is true, most of the Paragraphs of his Majesty's Speech are Memento's about Money; but in the Conclusion he is pleased to tell you, That he desires to know how far he shall be assisted by us, and what it is that we desire from him. Sir, I think this is a fair step towards coming to a right understanding; for I am apt to believe, that if the King knew how reasonable the things are that we desire of him, and how ready we are to give him all the assistance he can desire for the support of the Government, that we should not long continue under these misunderstandings; and therefore I humbly move you to appoint a day to consider his Majesty's Speech.

Resolved, That this House will on Saturday-morning next take into consideration his Majesty's gracious Speech this day made to both Houses of Parliament.

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The House then resolved into a Grand Committee how to secure the Kingdom against Popery and Arbitrary Government, Mr. Powle in the Chair.

Ld. C. Sir, when I consider the Immunities and Advantages we enjoy by the excellent compofure of our Government both in Church and State, how the King as Sovereign, enjoys all the Prerogative that can be necessary to make him either great or happy, and the People all the Liberty and Priviledge that can be pretended for their encouragement to be industrious, and for securing to themselves and Posterities the enjoyment of what they get by their industry. How the Doctrine of the Church is void of Idolatrous, superstitious Opinions, and the Government of Tyranny or absolute Dominion; I cannot but admire that there should be any body amongst our selves that should aim at any alteration, and be the occasion of this days Debate. But, Sir, it is too evident that such there are, and that they have made a great advance to effect there design, by many contrivances which they have pursued for a long course of years, according to the Results and Consultations held by Jesuits for that purpose: But above all, by converting to their Religion *James Duke of York*, the presumptive Heir of the Crown, and by engaging him to espouse their interest with that zeal and fervency which usually attends new Converts; especially when so great a glory is proposed as the *rooting out of a pestilent Heresie out of three Nations*, and the saving of so many Souls as would depend thereon. The sad effect of this Conversion we have felt for many years, it having had the same operations in our Body Politick, as some sorts of

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singring Poison hath in Bodies Natural; made us
 sick and consumptive, by infecting and corrupting
 all the food and Physick which hath been applied
 in order to reduce us to Popery and slavery, worse
 than death it self. From this fatal act the declination
 of the Grandeur of this Monarchy may be dated,
 and to the consequences thereof its absolute ru-
 ine (if not timely prevented) will be hereafter
 attributed. This being our case, I could not but
 admire to see this House so long a-coming to con-
 sider this weighty point; insomuch, that I began
 to perswade my self, that either our dangers were
 not so great as our discourses upon some other oc-
 casions had represented them, or that we were not
 in good earnest to endeavour any redress. It is
 true, when we consider what ill fortune we have
 had with our Bill lately sent up to the House of
 Lords, in having it thrown out in such a heat
 without so much as a Conference, (though when-
 ever they shall consider of it in cool blood, they
 will find there can be no other way to secure the
 Protestant Religion) we may with some reason
 be discouraged. But I hope, Sir, that seeing our
 Country have thought us worthy to be their Re-
 presentatives, we shall not be so easily daunted in
 what so nearly concerns them, but be as indefati-
 gable in finding out ways for our preservation, as
 our Enemies are to find out means for our destru-
 ction; hoping we shall not meet always so bad
 success in the House of Lords: For though the too
 much kindness of some men who pretended to be for
 the Bill, but underhand made a party against it, did
 this time operate as fatally as Enmity disguised in
 Friendship useth to do, yet I hope that in another
 occasion we may have better success; not doubt-
 ing

ing, but a great many Lords, when they are persuaded that they shall not be able to find out any other way (as I hear they begin to despair they shall) to secure the Protestant Religion, that they will join with us in the same, or some other Bill to the same purpose: Especially my good Lords, the Bishops, who cannot be presumed to have made peace with *Rome*, but to be ready to die for the Protestant Religion, and therefore doubtless will not long stick at joining in a Bill to save it. But seeing that according to the course of Parliaments we are not like to bring this to a trial for a long time, I am of opinion we had best try something else; and although I know not what other Act can be made to serve instead of that, but will either prove too weak or too strong; yet seeing we are put upon it, we must try, that so we may not be represented as stubborn. And therefore I humbly move you that a Bill may be brought in for the Association of all his Majesty's Protestant Subjects.

R. M. Sir, Great things are expected from this days Debate, and we could not well have entered into it sooner; it now comes more seasonable than it would have done before, because of the opportunities we have had to feel the Pulse of affairs, since the beginning of the Session, and the time we have spent in asserting the right of Petitioning, by which the essence of Parliaments, and the foundation of the Peoples Liberties were struck at. And the trial of my Lord *Stafford*, and the Disinheriting-Bill could not possibly have been avoided. And as our labour hath not been lost in all, so I hope that at last we shall have some benefit of that spent about the Succession-Bill. For as it was said

at the passing of the Bill, that there were a Loyal party that would never acquiesce in it; so I do believe there is a true Protestant-party that will never acquiesce in any thing less than what may be sufficient for the security of their Religion, which I am apt to believe will end in that Bill. But in the meantime, that we may shew that we are not humorists, let us try what strength we can muster up to oppose these great Enemies by some other Laws; as when a House is on fire we make use of Buckets and Tubs for casting of water, until the great Engines can be got. But I would move you to be cautious what you do, for I am afraid that the design of putting you upon finding out Expedients is not in order to have any thing done that may be effectual against Popery, but in order to have you offer at something that may purchase a disrepute on the House, and give your Enemies an advantage to pursue their designs of breaking us, by alleadging that you aim at Laws that will overturn the *Government*. For my part, I am fully perswaded that this is the design of those that have put the *King* so often to declare against *altering the Succession*, and to recommend other ways; and that offer at what you will, if it be any thing that is like to prove strong enough to secure us against Popery, that you will see the House put off before it come to any perfection, and that in time it will be made use of to arraign the Proceedings of Parliament, and to perswade the people that this House did attempt to alter the Government by such and such Bills, and so by degrees possess the people that *Parliaments* are either dangerous, or inconsistent with the *Government*; that if possible they may be well content to be with-

without them. Sir, I am afraid that the *Popish* party are more serious in this design than we are aware of ; and that next to the great endeavours they have used for many years to keep up our divisions in points of Religion, the next great Artifice which they depend on, is the infusing into the people the dislikes of *Parliaments* : for they well know that *Poper*y can never be established in this Nation as long as *Parliaments* are permitted to sit and act. Therefore, though I know it is below a *House of Commons* to mind every little discourse, yet I think if we conclude that this powerful party amongst their many designs have this for one, that we ought to countermine it as much as we can. We cannot well comprehend what a Bill of Association will be before it be drawn up, nor what difficulties may be found in the contriving of it ; and therefore I think no great Debate will be necessary about it before such a Bill be brought in. And I believe it will be found more likely to be serviceable in case the *Papists* be banished ; and therefore I conceive a *Bill for Banishment of all the Considerable Papists out of England* may be very necessary. And if at the same time that we endeavour to secure our selves against *Poper*y, we do not also do something to prevent *Arbitrary Power*, it will be to little purpose ; for the one will be sure to give a hand to bring in the other ; and I think nothing can prevent that, or rather both, better than frequent *Parliaments*. And therefore I humbly move you that a *Bill for securing frequent Parliaments* may be taken into your consideration.

Sir G. H. Sir, I think you are well advised that the way to secure our selves effectually against *Poper*y,

pery, is to secure our selves also against *Arbitrary Government*, and that the having of frequent *Parliaments* is the best way to secure both; and therefore, Sir, I think you may do well to move the House that a Committee be appointed to inspect what old Laws there are for enforcing the sitting of frequent *Parliaments*, that if they should be found deficient, some new Laws may be made for that purpose. I do agree that a Bill for *Banishing out of England the most Considerable Papists* may do well; but I hope, Sir, that if you banish the *Men*, you will banish some *Women* too; for I do believe that some of that Sex have been great Instruments in bringing about our ruine: and if in time you would consider how to prevent the *Royal Families* marrying *Popish Women*, it would be of great security for hereafter. For I am of opinion that the late *Queen-Mother's* Zeal for her Religion, was not only a great occasion (amongst many others) of the miseries that beset us in 41. but the great Cause of all our Miseries now, by *perverting the Duke from his Religion*, as is reported, and may reasonably be believed, if we conclude that she had that motherly care for the salvation of her Children as other Mothers usually have; for according to her Opinion, it was not to be obtained out of the pale of that Church; And no man can doubt but that the Protestant Interest hath been much prejudiced by his Majesty's marrying a *Princess of that Religion*: For we have plainly seen, since the discovery of the Plot, how some of the most material *Jesuits* and *Popish Instruments* have sheltered themselves under her *Royal protection*, and how they have helpt to carry on the Plot, by being so impudent as to pretend they had her
 patro-

patronage, and by abusing her Authority; but more especially by *the Duke's marrying the Princess of Modena*, because of her near relation to the *Popes and Cardinals*. All which was plainly foreseen by that *Parliament* which met a little before that Marriage, in 1673. and therefore they made an *Address* to his Majesty, representing the said ill consequences, desiring him not to permit it, because it would tend to the destruction of the *Protestant Religion*. But their endeavours were defeated by that party, as we may guess, seeing we find so much use of her name in *Coleman's Letters*; for well might they who have over-ruled in so many great affairs as hath been instanced in this House, have an influence also in this, that so that party might not want so useful an Instrument in so great a station: and so the *Parliament's Address* miscarried; but that they had either a good Judgment, or prophetick Spirit, I hope will never miscarry, but remain upon Record. And unless you do believe that these *Ladies* are less compassionate than others usually are, how can it be otherwise, their Principles considered? But, Sir, I will not trouble you farther about it, but suppose it may be worth your consideration in due time. In the interim, I agree for the *Bill of Banishment and Association* too.

W. H. Sir, It is not to be doubted but that *Popery* and *Arbitrary Government* are so near of Kin as cannot be separated, and therefore if we destroy the one, we need not fear the destruction of the other. Before our late miserable Wars, *Popery* was more in *Masquerade*, and *Arbitrary Power* in the *Loans, Monopolies, and Ship-money*, more visible: now *Popery* is more visible, excepting in the business

ness of *Exchequer*, which amounting to above *one Million* of Money, we may not admire we have not heard of more great things of that kind, since especially, being we know how averse the *King* is to hearken to such advice, but our fears of Popery are the stronger because of the *Popish Successour*, and therefore I cannot but commend the policy of those who are tender in using *Arbitrary proceedings* at this time, lest the Fears and Jealousies that might arise from both together should prove intolerable.

I must confess, Sir, I am at a great loss what to offer to your consideration in this matter, for our danger is not only from the strength of the Popish party, but from the weakness of the Protestants by reason of the animosities which they sow amongst us, not only in points of Religion, but of Interest too. For of late they have not been content with carrying on the design of dividing the Church-men and Fanaticks, but by arraigning the *last Parliament* as *omnipotent and dangerous* for going about to disinherit the Duke. They endeavour to divide the people in their opinions as to Parliaments, and to render them incompatible with the Government, that so if possible they may keep the Protestant Interest divided, and work them to destroy themselves, by engaging party against party, in hopes at last to have but one party to deal with, and to have an opportunity of gaining the weakest to their side by assurances of Liberty of Conscience, or otherways, which must certainly be the consequence of such a contest. And although I am very unwilling to detract from the merits of our Church-men, for whom I have a great veneration, yet I cannot but observe how that ever

since the Tryal of Wakeman was over, but more about the time of the Presbyterian-plot, how they preached up (especially in publick Assemblies) the danger of Fanaticks to be more than of Papists, and that to disinherit the Duke was against the Law of God. Which said Opinions, if they should be imbibed by the people, what will your Association-bill signifie, or any other Law you can make against Popery? Sir, I do not mention these things to you without a great deal of regret; for I am well known to be a true friend of the Church, and have (when I was thought worthy to be in Commission) exprest my self a severe Enemy to Fanaticism. But however, I cannot but observe this strange contradiction of pretending to keep out Popery. and yet at the same time to endeavour to divide the Protestant Interest, and to reserve a right to make a Papist King. I must confess I am more distracted from the ill consequences I fear from such contrivances as these, than from the strength of the Papists themselves. They will certainly go on with their Interest, as long as they are secure of such Auxiliaries. These things must be considered in the drawing of your Bill, that so the remedy you propose may be proportionable to your disease. For an Act of Association may be several ways evaded by such opinions as these, if they should grow amongst the people, and it will be an irreparable blow to the Protestant Interest to accept of such an Expedient, if it should prove ineffectual. And therefore it ought to be so drawn, as may provide for all the contrivances of that party: For, Sir, I cannot imagine that even Popery will attempt to come into this Nation bare-faced, but do expect that the design will always be carried on as
hitherto

hitherto under some disguise, either by a toleration in favour of tender Consciences, or in the name of Churchmen, or a Loyal party, for the defence of the Church or Government, which some Presbyterian-plot would much conduce, and be an excellent pretence for rising of an Army, and apprehending or disarming of such persons as are most likely to oppose that Interest. I must confess, Sir, I have not very well digested what I have said to you on this Subject; but unless you can change the Interest at Court, and remove those Counsellors that are so much for the Duke, I think you may justly fear all these Stratagems, and that it will be impossible to contrive any Association-Bill that can provide against them. And therefore, that we may not spend our time in vain, I would humbly move you, Sir, to go on with the Bill of Banishment, which is most likely to do you some service. At least, by it we shall see, whether any thing will be granted against Papists or no: For this purpose it will be necessary, that the House be moved, that the Knights, Citizens, and Burgesses, be commanded to bring in a List of all the most considerable Papists in England, in order to banish the most notorious.

J. B. Sir, I retain a good opinion of an Association-Bill, notwithstanding what hath been said as to the weakness it may receive from our unhappy Divisions in points of Religion and Interest, too much promoted by some of our Clergy. For, Sir, when I consider how the Laudan principles, as to raising of Money without Parliaments in the late times, infected most of our Clergy, so as that they not only preached up the Kings absolute Authority over mens Properties, but branded with the title of Rebels, and condemned to death those that offered to

argue against it: I do conclude, that it is usual for one or two Bishops, to give measures or directions to the rest of the Bishops, and they to the Clergy of their several Diocesses: And that therefore the Clergy derive the Politicks generally from one or two Bishops in some great station. Yet, Sir, when I remember how after some little time many of the Clergy fell off, and would not follow such instructions; and how the people soon excused themselves from following their advice in such Politicks, and would not freely pay illegal Taxes, notwithstanding all their endeavours. I am apt to think, Sir, that as the people were not long then mislead, so as to submit to lose their property, so they will not now, to any thing that shall tend to the losing of their Religion and property both. They will soon discover what is their interest, and how true interest will not lye. I have often told you within these walls, they will soon apprehend that Popery will bring in Slavery, and reduce them not only to an Idolatrous, Superstitious Religion, but to wear Wooden-shoes like the *French*, and to eat Herbs like the *Spaniard*, because they will soon know that they shall not be long Masters of any thing they have: And however they may be perswaded for a while, I am confident they will at last consider how to save their *Baggs*. They will discern that the Clergy may be good *Divines*, but not so good *Politicians*; and that there may be some difference in point of Interest between them and the Clergy, because Clergy-men may be in a possibility of being advanced by Popery if they submit; but the *Laitie* under a probability of losing all notwithstanding all Submissions. Sir, I do not trouble you with this Discourse out of a fear that our Clergy will not shew themselves good

good Protestants, for I have that veneration for them, and opinion of them, as to believe, that many of the Bishops, and Clergy too, would as soon die for the Protestant Religion as any persons in the Nation. But I am jealous, that there is some *over-awing Power got in amongst them, something answerable to that of a Popish Successor in the State;* by whose means those Bills were so easily past in the late long Parliament, under a pretence that they were for the preservation of the Protestant Religion, *which the Commons then found, and any person that will now peruse them may find, would infallibly have brought in Popery.* And, how since the Plot, the danger of Fanaticks is cried up more than that of the Papists; and how tender they are in the point of a Popish Successor, or joining in any thing against him. But though these things make me jealous, there is some body that *misleads* them now in matters relating to *Popery*, as formerly in things relating to *Property*, yet I am of opinion that they will ere long see, that to stand up for the Interest of a Popish Successor, to have a Popish King, to weaken the Protestant Interest, and speak ill of Parliaments, is not the right way to preserve the Protestant Religion; but a plain contradiction, and an *invention of Jesuits*. And therefore, Sir, I am for going on with the Association-Bill; for I will never doubt, that the true Interest of the Nation, in so great a concern as this, will long be baffled by such projectors. And therefore it is my desire, that the House may be moved to appoint a Committee to draw up a Bill for that purpose.

Sir *W. H.* Sir, I think you have been well moved, as well for the Association-Bill as the Bani-

shing Bill. By the one, you will send your Enemies out of the Country; by the other, be in a good condition to keep them out, which may go a great way to secure us.

Sir F. R. Sir J. H. and Mr. L. G. for the Banishing Bill.

Sir N. C. Sir, I am not against any of these Bills, because they may be all convenient for the present occasion: but if any man think that these Bills will do without the Succession-Bill, I believe they will find themselves mistaken. For these Bills will signify nothing, unless you can remove your Popish Successor, and your Popish Interest. These Bills will not reach your Papists in *Masquerade*, who will certainly continue as long as there is a Popish Successor, and make your Banishing-Bill, and Association-Bill too, as ineffectual as white paper. Let such as I could name to you, have the command of the Sea-ports, (as I suppose they will, without my naming them) and in the Lieutenantcy and Commission of the Peace, and when the present heat is over, let the Papists come back when they will, they will have no cause to doubt having a kind reception. For you must not expect to have plain *rustick Country Gentlemen* in such Commands, but *well-bred Courtiers*, and some good *easie credulous Gentlemen*, that will soon be perswaded there is no danger in Popery; and then of what use will your Banishing or Association-bill be? As long as the Duke hath so many friends at Court, (between whose Interest and Popery I cannot hear there is any distinction) I think no Laws that we can make against Popery will do us any good, because all the Laws we have already have done us none. For the same arts and power that hath hitherto defea-

defeated all your other Laws, will also defeat what you are now about. And therefore, Sir, I am of opinion we are not now acting like the true *Physicians* of the Nation, but like *Mountebanks*. For the most we shall be able to do this way, is to patch and plaster up our sores, and have them hereafter break out incurable upon us. But if you are resolved to go on with these Bills that have been proposed, I will not offer to oppose the sense of the Committee, but would move you, (that we may not forget, or lose in the Crowd, that which at last, I believe, must be pursued, if ever you will do any thing for your Religion) that in the first place you pass a Vote, *That it is the opinion of this Committee, that as long as the Papists have any hopes of the Duke of York's succeeding the King, that the King's person, the Protestant Religion, and the Lives and Liberties of the People are in apparent danger.*

S. T. Sir, I have read that a great Minister of State of *Spain*, gave this short advice to a friend of his that was coming Embassador into *England*; that he should not always aim at the best. I think it may be convenient for us to follow that advice; for if we should not have something for our security, before we get the best, I am afraid it may happen to us, as it did to a man whose House was beset with Thieves, he was so long arming his servants, and appointing them their distinct quarters, that the Thieves broke in, and caught them all unprovided. I pray God it may not be our case; though I am very sensible that none of these Bills can effectually do our business; for nothing can secure us against this party but being free of their *Principles* as well as of their *Persons*; which I con-

clude will always remain in some persons amongst us, notwithstanding your banishing of Papists, as long as there is a Popish Successor. For I remember what a great man of *Swedeland* told me, that all the Laws they could make, had never any effect against them, *until they not only banished them out of their Country, but secured the Government in the hand of Princes of their own Religion;* And I am afraid, that nothing less than the same way will ever do our business here. For it is not so much the number of the Papists, as their Principles, and the danger of their getting the Government into their hands, which we know they have been long aiming at, that may justly be feared, in which I am perswaded they will be so restless, as that we shall never be secure against them, unless we can *banish their Principles from Court, as well as the People out of the Country.*

Sir F. W. Sir, what my good friend that spoke last hath said, that we should get something, and not lose all by aiming so earnestly at the best, is very well, if we were liketo get any thing instead of it, that shall have the appearance of being serviceable in this case: But I have seen old Parliament-men mistaken sometimes, and I am afraid than he will sooner see this Parliament dissolved; that any thing granted that shall be material against Popery. And that the *mentioning of these Bills shall afterwards arise in Judgment against you;* however, I think we must adventure. What this Association-bill may be, I cannot tell until it be drawn; but I see no opposition made to any of those Bills that have been proposed; and I believe there is much business yet behind for this day, and that you will do well to husband your time,
and

and put this business out of your hands by putting the questions.

Sir R. T. Sir, you have been very well moved for the bringing in of such Bills as may tend as much to the security of the Protestant Religion as any that can be offered. That of *Banishment* will certainly go a great way to destroy, not only their Power, but their Interest and Principles too, and be a great disheartning to their party abroad. That Interest will not then have so many Engines to work with here, as now they have. And the *Bill of Association* will be necessary, that we may have a Law to defend our selves. The Association made in *Queen Elizabeth's time*, will be a good Precedent to draw it up by. And seeing there is no opposition, I move you to put the Question.

Resolved, That it is the Opinion of this Committee, that one means to suppress Popery is, That the House be moved that a Bill be brought in immediately, to banish all the considerable Papists out of the Kingdoms.

R. M. Sir, By offering at the Exclusion Bill, we may conclude we have offended the Duke of York; by this Bill for Banishment, all the rest of the considerable Papists in England. As we have made many Enemies so it will be convenient that we should endeavour to get some Law to defend our selves against their implacable Designs. For which a Bill for an Association of all His Majesty's Protestant Subjects may do well; and therefore I pray that we may Move the House to have it brought in.

W. G. Sir, as we are sick of complicated Diseases, though

though all have their original from one cause, [see-
 ing we cannot be permitted to cure that cause, we
 must think of many Remedies to cure the many
 Evils that sprout from it. The *Banishing* of the
Papists alone will do it. And I am not willing to
 pass any judgment on the *Association-Bill* before I
 see it. But, Sir, what fruit can you expect from
 your Laws, unless you can secure good *Judges* in
Westminster-hall, and good *Men in Commission* in all
 other places. *Is there at this time a Judge, a Depu-
 ty Lieutenant, or a Justice of Peace in Commission,
 that you can expect shall act against the Duke of York.*
 Or if any such be in, are they for more than a co-
 lour? Are they not over-power'd by such as are for
 the Dukes Interest? If this do not make all your
 Laws invalid, by not executing them; is there not
 an Army of about Ten thousand men under the
 name of Guards, and may not more be raised, and
 what then will your Laws signifie. Have we not
 already had some experience of this, when the To-
 leration came out in 1672. when there was that
 Army at *Black-heath*, and *Clifford* had the manage-
 ment of the great affairs of State? If the King
 had not then hearkened to the Advice of his Parlia-
 ment, what would all the Laws that were then in
 force against *Papists* have signified. And may you
 not see the same again, if you do not take some
 care to prevent it. What great difference between
Clifford and some of our present great Ministers, *on-
 ly that he had that weakness to declare himself to be a
 Papist, and these the discretion to keep the knowledge of
 their Religion to themselves.* But we see they manage
 things as much in favour of Popery, as ever *Clif-
 ford* did. Did not that Toleration, that Army, and
 that minister of state, repeal all your Laws as effectually,

ally, as if they had never been made? When I consider how the *Tripple-League* was broke, after we had made Laws for the keeping it, by giving near Three Millions; how the Peace was made up at Nimeguen, after we had made an Act for an actual War with France, and given above a Million for entering into it. I will never believe that any Law will be observed, make what you will, unless there be those about the King that may be for the keeping of it; otherwise you shall have such Judges, Justices, Deputy-Lieutenants, and other Commissionated Officers, as will repeal your Laws at pleasure. And therefore I could wish you would consider well, how you possess those that sent you here, with an opinion that they may depend upon such Laws as these. And at the same time, Sir, *that you are consulting the destruction of the Papists, I think, you may do well to endeavour the preservation of the Protestants.* Is this a time for the Church-men and Dissenters to quarrel? It is like two Men riding upon a Road, a High-way-man coming to Rob them, instead of uniting to defend themselves, they quarrel and disarm one the other, and so were both Robbed. I pray God this do not prove at last our case. For as that project of the Papists hath since *Wakeman's Tryal*, had strange success in dividing us, so no doubt but will at last come to Dis-arming us too; and how that will facilitate their conquest, may be easily calculated? Is this a time to weaken the Protestant Interest, by tearing us in pieces by the execution of acts *made against Papists*? That man that can believe, that that is the way to preserve the Protestant Religion, or Protestant-Church, is fit to believe that *St. Denys* walkt many miles with his head under his arm, or any other Popish Miracle
whatso-

whatsoever. And therefore I think you will do well to hasten the Bill for *Uniting of the Protestant Dissenters*, that we may bring into the Church as many of them as is possible, and not longer be so infatuated to gratifie the Papists in that particular, by doing their business in destroying one another; but prevent them if possible by Union, *which will tend more to prevent Popery, than all the Bills that have been proposed.*

P. F. Sir, I have read in Scripture, *What King going to wake War against another, sitteth not down first, and consulteth whether he be able with ten thousand to meet him that cometh against him with twenty.* I take the denial of the Bill of Exclusion, to be a plain demonstration, that the Popish party should not be deprived of a right to govern us; and it is not to be doubted, that having that right, they will be sure to make use of all the power they can to back it with. That we may be the better able to judge whether we can fortifie our selves sufficiently against such a right, and the power that will naturally follow it. I pray, Sir, let us follow our Saviours Advice, and consult, *whether with ten thousand we can meet twenty thousand.*

When I consider how the Tripple-League was broke, and how all Alliances and Transactions relating to Peace and War have been since managed in favour of the *French Interest*, contrary to the true Interest of *England*, and the pressing importunities of Foreign Nations, as well as our own, I think we cannot but conclude, that the *Dukes Interest*, the *French Interest*, and *Popish Interest* is all one. And that the Duke's or Popish Interest, have some great dependance on the *French King*, for his assistance in the settling of Popery here. And no man can doubt

dout this, but he that will not believe *Coleman's* Letters, or that there *was a peace made at Nimwegen, in order to put him in the better condition.* If the Jesuits do manage all the affairs of *Europe*, as is said, it may be justly feared, that the *French King* will improve this agreement so, as to get *Flanders*, if not *Holland* too, before he perform his promise of giving them the expected assistance, which being it will conduce to the destroying of the Protestants abroad, as well as here, we may justly fear the *Jesuits* will never obstruct.

Besides, the dependance which the Papists may have of assistance from this mighty Monarch; in *Ireland* they are five to one for the Protestants, and amount to many hundred thousands, full of bloody revenge derived from their Ancestors, wanting nothing but Arms (which they may have from *France* in a night) to be enabled to Massacre all the Protestants in *Ireland*, and to be ready to be transported hither. How the Plot has been carried on there in order to it; how endeavours have been there used to stifle and Counterplot it; who Commands all the *English Coast* opposite to *Ireland*, we know; and how our Forts and Castles are provided; the Examination of the Governour of *Cheapside Castle* may inform you.

And that there may not want a strength to compel *every side*, is not the Government of *Scotland* quite altered, by some Acts made within these few years? is it not become very near *Arbitrary*, *Parliaments* in a manner laid aside, and the power invested in a *Privy-Council*? And is there not a standing Army of Twenty two thousand men, settled by Act of Parliament, with a Declaration, that they shall be ready to come into *England* upon any

occasion. And is not the *Duke* now there, managing the Government of that Kingdom, and Army too, by putting in his own Creatures into the Council and into the Command of the Army, and using all other ways imaginable to improve his interest there.

And may we not conclude, that in *England* there may be one hundred thousand Papists fighting men, and that *Portsmouth, Plymouth, Sheerness, Tilbury-Fort*, and *Hull*, and all other places of importance, shall, when that Interest shall think it convenient, be in the hands of persons they may confide in, as well as the command of the Militia and Fleet.

And what now, Sir, can any man say is wanting to enable this Party to make a great contest with us, but a Popish King to head them? And doth any thing stand in their way for that, but His Majesty's Life? And is it not strange, that though we see this never so plain, that there is no remedy for poor Protestants? Can it be imagined, that if this party should once have a King on their side, endowed with a valorous Spirit, and vowed revenge, spurred on with a fiery zeal, to get not only Three Crowns on Earth, but the Crown of Glory in Heaven, by rooting out a pestilent Heretic out of three Nations, that they will neglect so great an opportunity for the establishing of Popery here? And will not the Divisions they carry on amongst us, as to Church-men and Fanatics, Plot or no Plot, be very useful to them, but especially their arraignments of Parliaments, and all that speak against Popery, as *Forty-one-men*, and Enemies to the Government, occasion a great weakness on our side? I think, Sir, all this put together, makes a great strength

strength for that party, enough to bring us into misery, whatever the issue may be. I would now, Sir, give you some account how the Protestants may be able in such a case to defend themselves; but, I protest, Sir, I know not what defence they will be able to make legally. It is true, Sir, as long as our good King lives, we may live in quiet; but things being thus, are not the Papists under great temptations to go on with their old damnable design, or set up a new one for the destruction of the King. And if it should so happen, either by their wicked counsels, or naturally, I think there is no way left us to oppose this party, *but by a Rebellion, and therefore I think we may conclude, that our Lives, Liberties, and Religion, are to determine with the King's life.*

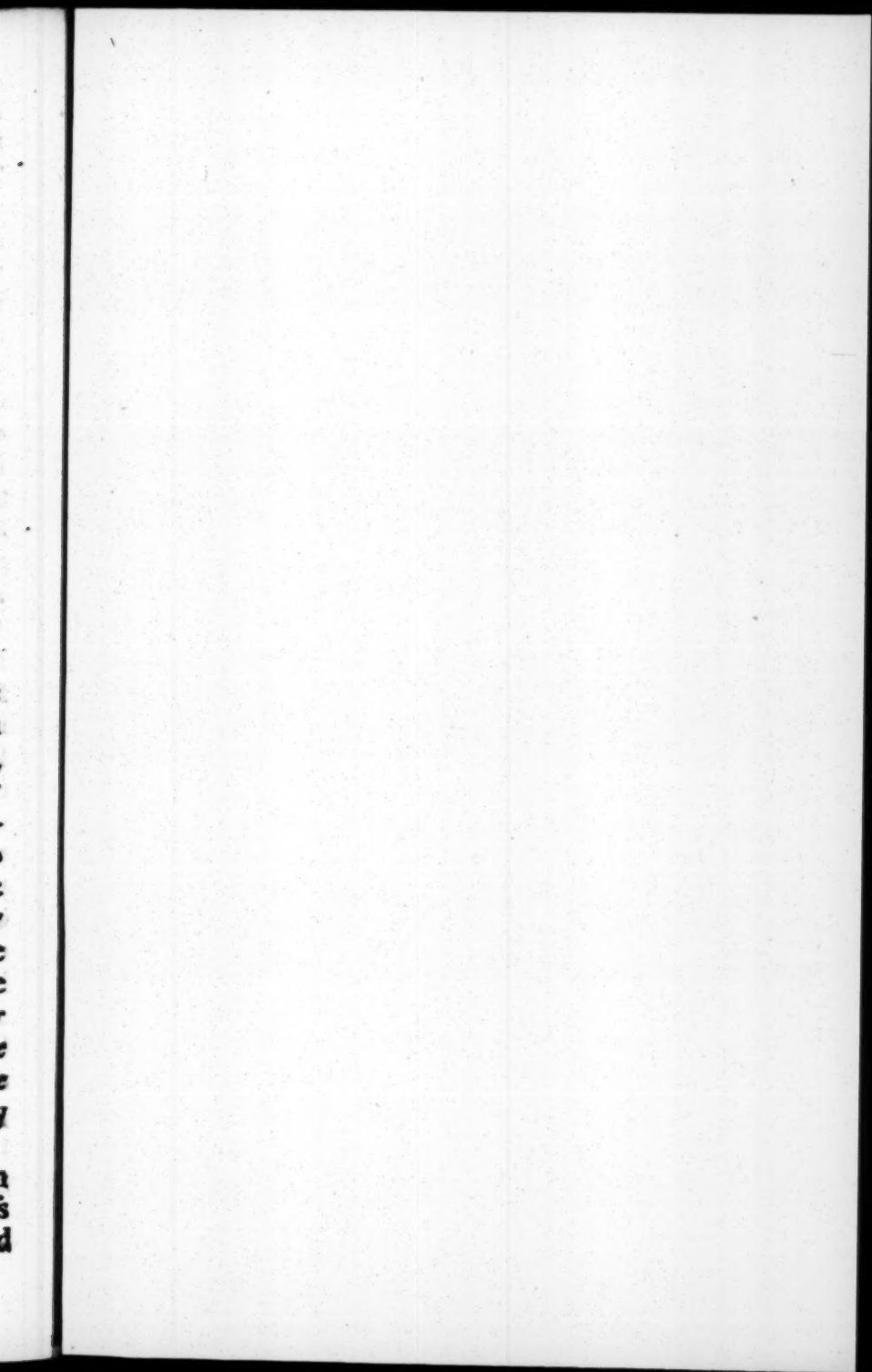
○ I confess, Sir, this is a melancholy Discourse, but I am afraid too true; and that the more you consider of it, the more reason you will have to believe, that there is such a Net spread to catch poor Protestants, as cannot fail to do it effectually, whenever the Jesuits shall be pleased to draw it. And our condition looks the more dismal, because though King, Lords, and Commons have so often declared that there hath been a damnable, execrable, devilish, hellish, abominable Plot carried on by the Papists, yet that all remedies against the like for the future must be denied us; I mean such as can signify any thing, and we must now again be exposed, as we were before the Plot broke out, so all their barbarities, having only weakened that party by executing about twenty old men; but strengthened them much more by having discouraged all Witnesses from ever revealing more of their Plots, and by the discoveries they have made
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of the strength of their party, in the stiffling of this Plot. And yet all will not open the eyes of some Protestants, that so if possible we might be so happy as to lay our divisions aside and join against the common Enemy, without which we must certainly be ruin'd.

And if this be our case, and there be nothing wanting but a *Popish King* to compleat our misery, and the art of man cannot find out any way to secure us against a *Popish King* without the *Exclusion-Bill*; is it not *strange* it should be rejected in the House of Lords? I cannot believe that the *Fathers* of the Church should join in that which must infallibly give opportunity for the tearing out of the Bowels of their Mother, and destroying her for ever. If so, well may we lie down and cry, *We have no body to help us, but only thee O God.*

Sir, I have troubled you too long, but I hope what I have said, may be of some use to you in resolving about these Bills that are proposed, though I think they will all come short of our case. Seeing you have Voted a Bill for the *Banishing* of the Papists, I think you may do well to try what a Bill of *Association* may amount to: But I agree with the opinion of those worthy Members that have told you, that these things are put upon you, that you may give occasion to those that wish ill to Parliaments, to argue thereby for your *Dissolution*; and afterwards to persuade the People that you went about to dissolve the foundation of the Government. And therefore I do not expect any good effect of these Bills.

Sir F. R. Sir, by the serious discourse which that worthy Member hath made of the sadness and



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and in security of our condition we may plainly see, how by the interest of the *Duke of York*, there is a great power combined against us, and that our condition is irrecoverable, if he should come to be King. And therefore, Sir, I desire you would put the question, upon a motion that was made a little while since, That it is the opinion of this Committee, that as long as the Papists have any hopes of the Duke's succeeding to the Government of this Nation, that the King's Person, nor the Protestant Religion, nor the Government of this Nation cannot be secure.

Resolved, *That it is the opinion of this Committee, that as long as the Papists have any hopes of the Duke of York's succeeding the King in the Kingdoms of England and Ireland, and Dominions thereunto belonging, the King's Person, the Protestant Religion, and the Lives, Liberties, and Properties of all his Majesty's Protestant Subjects, are in apparent danger of being destroyed.*

Sir G.G. Sir, I am of opinion the Popish Plot goeth on as much as ever, and the Papists are so proud of it, as they cannot forbear bragging of their hopes to see better days speedily. I think, Sir, seeing we are not like for one while to have the *Exclusion-Bill*, we shall appear neglectful of our duty, if we do not try what security can be contrived by an *Association-Bill*. And therefore I humbly pray that the House may be moved to appoint a Committee to draw up and bring in a Bill for *Associating* all his Majesty's Protestant Subjects.

Sir H.C. Sir, The reason why we are now in
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this debate, is because a Negative is past on our Bill for excluding to *Duke of York*. It is strange, seeing the danger of the Protestant Religion is so great, (if there be any intent to save it) that the only Bill which could serve for that end should be thought too much. I am of opinion, that no other Bills can do us any service at all; for it will be pretended they are all void, because made against the Right and Prerogative of your lawful King, without this Exclusion-Bill. Yet seeing his Majesty hath so often in his Speeches recommended the security of the Protestant Religion by other ways, I think it is our duty to try what other Laws can be made, though it be only to give the King and the world satisfaction, and to enable us the better to judge *whether such Speeches proceed from his Majesty's goodness, or from evil Counsel*. I must confess, Sir, I am afraid, seeing the *Duke of York's* interest is now as great at Court as ever, and that there are so many of the Privy-Counsellors for him, as well as most others in places of Trust and Command, that they that advise the King to put in that limitation in all His Speeches, *do know that without that Law there can be none made that can prejudice the Duke's Interest, and so consequently not save the Protestant Religion, and therefore they advise it*. For how can we reasonably presume otherways, seeing his Interest is so fixt as it is, and the *Wheel within the Wheel continues*, which hath been so often complained of. When I ponderate on the good things his Majesty always doth, when he is pleased to exclude the corrupt Politicks, and advice of others, I cannot but lament afresh our great Misfortune in having a *Popish Successor*, that should be able to create such
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an Interest, as to hinder us from the good effect thereof. His Majesty did once declare, how sensible he was of the inconvenience of being *advised by private Cabals, and seemed resolved to dismiss them, and from that time forward to advise with his Privy-Council, and in cases extraordinary with the great Council the Parliament.* How he came to vary from that resolution I do not know; but I am afraid we shall not see any alteration in favour of the Protestant interest, until we see some change in that particular. For though the Duke's friends may do very well to preserve the *Duke's interest, which upon all accounts is Popery*, yet, I think, they are very inconsistent with the preservation of the Protestant Interest: And therefore until some alteration in Council, as Parliaments have laboured in vain against Popery these two years, so I am afraid we shall now. However, Sir, I am not against trying what strength you can make of an *Association-Bill*; but I am afraid, that without the *Exclusion-Bill*, you will find your work endless; and that one Bill will occasion another, and all prove to little purpose without it, and that you will but give your Enemies a *handle* to represent you amiss and get nothing.

W. Sir, The many discourses you have heard this day touching the strength of the Popish Interest at home, and how combined with foreign power, doth not so much startle me, as to see, that all the strength upon which the Protestant party must depend for security, is put into the hands of persons which are for the Duke's interest, which we have reason to understand to be the same with Popery; not a person being employed in any place of Command or Trust, that ever declared against that interest.

If I be mistaken in what I say, I desire to be corrected ; I speak according to the best information I could have, and I believe all here know, what an *exact scrutiny* there hath been often made in all Countries and Corporations, for the finding out of men that way *inclined*, or otherways so *qualified*, as are not fit to make any *opposition to the designs carried on by the Popish party*. And if by chance any is put in, not *fettered* either by opinion or interest to that party, upon the first appearance he is presently discharged, as if he were a Traitor to his Country. And now after a long interval of Parliaments, and more and more discoveries of the reality and danger of the Popish Plot, not only here, but in *Ireland*, and of the many contrivances of that party to stifle new Evidence, and to corrupt and discourage the old, of the certain ruine of the Protestant Religion from a *Popish Successor* and *Popish King*, what remedies are we like to obtain this Session ? I am afraid very few or none : for I must confess, I am still of opinion, there can be none without the *Exclusion-bill*, which the Lords have thrown out without so much as a *Conference*, and therefore I am afraid, that what the Witnesses have said, they were told by several Jesuits is true ; *That Popery was so clenched and rivetted, that it did not lie in the power of God nor man to prevent the settling of it in this Nation*. And if we consider what an interest that Party hath now at present, and how things are prepared to afford them a greater assistance hereafter ; how a *Popish King*, as well as our *Divisions* and *Animosities* will contribute to it, though I hope God will make them Lyars, yet I conclude, they have a great deal of reason to be very confident.

fidēt. And I see not how we can help our selves, seeing there are so many *Ministers* of State about the *King*, who are as a Partition-wall between him and his People. I find in *Coke's Reports*, that when the Nation was in apparent danger, the People might go directly to the King with their Grievances, and make their Complaints and Petitions known. I think we may do well to consult this Text, and see if we can find out any better way than what we have tryed already, to convey our humble Supplications to his Royal Person. In the mean time I think you had not best to go off from the Bill of *Association*; for which we have a President in Queen *Elizabeth's* time, first made by the Gentry, and afterwards confirm'd by Act of Parliament.

L. G. Sir, I would not discourage you from going on with these Bills; but I am afraid they will fall far short of the power and strength that will be necessary to root out an Interest that hath been above *one hundred years* rivetting it self by all arts and ways imaginable, and hath now fixt it self so near the Throne. I must confess, I am afraid we are at labour in vain, and that this Interest hath so *clench'd* it self (as the *Jesuits* term it) that it will break not only this *Parliament*, but many more, if not all *Parliaments*, and the *Protestant Religion* too. It is too weighty to be removed, or perverted, by such little Bills as these: No, Sir, you will find, that nothing less than a *firm Union amongst all the Protestants in this Nation*, can be sufficient to give any check to this Interest. As long as there are amongst us so many persons as know not rightly how to apply the dangers of the Church and State, nor the miseries of *Forty One*, but will be lead by

Popish Projectors; I am afraid such Bills as these will not do our business: Because they will not destroy that *footing* which they have at *Court*, nor strengthen the Protestant Interest, which must have its original from Union. It is strange, that none but those who are for the *Duke's* interest, should be the only persons thought fit to be in places of trust! It is so *strange a way to preserve the Protestant Church and Religion*, that it raiseth with me a doubt, *whether any such thing be designed*. Such persons may be proper to manage Affairs in favour of the *Popish* interest; but it is to be admired, that they, and they only, should be thought fit to be intrusted with the Protestant interest. I think it as hard for them to do it, as to serve two Masters. It is not usual in other Countries to retain their Enemies in the Government, nor such as are Friends to their Enemies; and it is strange that we, of all other Nations, should fall into this piece of Policy. But, Sir, for these reasons you may conclude, that unless what Laws you make, be strong and well penn'd, they will signify nothing against so powerful a Party as you have to do with.

R. Sir, Though it plainly appear by what hath been said upon this Debate, that the Protestant Religion is in a dangerous condition, yet when I consider how strangely God's providence hath hitherto helpt us, and defeated all the wicked Stratagems of this Party, I cannot despair. Notwithstanding the breaking of the *Triple League*, the *Dutch War* 1672. and the Assistance given the *French*, the Protestants abroad are not all destroyed: Neither by their *firing of London*, endeavours to corrupt *Parliaments*, and contrivances against the *King's life*, have they yet destroyed all at home.

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And as I doubt not but the King is willing to secure the Protestant Religion to us and our Posterities, so I hope he will hearken to us, and grant such Laws as may be necessary for the securing of it, he being most concerned therein. And therefore I hope, that at last he will concur in such Laws as we shall propose for that end, or contrive better.

Sir W. J. Sir, there hath been so much said already upon the Subject-matter of this Debate, that I shall have little occasion to trouble you long. The worthy Member that spoke a while since, hath shewed you from whence our fears of Popery arise, from the dependance they have of assistance from *France, Ireland and Scotland* in case there should be a *Popish King*, besides the Party they have here, and the advantage they will have by the Government, which is already secured for that Interest; and of it self would be sufficient to contest with the Protestant interest, who in such a case would have no King to head them, no persons in any place of Trust to execute any Laws in their behalf, nor no legal power to defend themselves. And therefore, seeing there is a Negative pass'd upon the Bill, we had contrived to secure us from these great dangers, I think, Sir, we may do well to try if we can get any thing else. But I am perswaded if this *Association-bill* be made as it should be, that we shall have no better success with it than we had with the *Exclusion-bill*: For I am afraid, that though we are permitted to *brandish our Weapons*, yet that we shall not be allowed to *wound Popery*; but rather do believe, that they which advised the throwing out of that Bill, will also do the same by this, or dissolve the House

before it come to perfection : For this Bill must be much stronger than that in Queen *Elizabeth's* days ; that was for an *Association* only after her death, but I cannot tell if such a *Bill* will secure us now, the circumstances we are under being very different. In Queen *Elizabeth's* days the Privy-Councillors were all for the Queen's Interest, and none for the Successors; now most of the Privy-Councillors are for the Successors, and few for the King's. Then the Ministers unanimously agreed to keep out Popery, now we have too much reason to fear, there are many that are for bringing it in. In those days they all agreed to keep the *Popish Successor* in Scotland, now the Major part agree to keep the Successor here; all which must be considered in drawing up of the Bill.

Resolved, That it is the opinion of this Committee, that the House be moved, that a Bill be brought in for an *Association* of all his Majesty's Protestant Subjects, for the safety of his Majesty's person, the defence of the Protestant Religion, and the preservation of his Majesty's Protestant Subjects, against all Invasions and Oppositions; and for preventing the Duke of York, or any other Papist, from succeeding to the Crown.

Decem-

December 17. 1680.

THE House resolved into a Committee, further to consider of ways and means to secure the Kingdom against Popery and Arbitrary Government; and after several Debates, how ineffectual all Laws would prove without having good Judges, Justices, and others in Commission that will execute them, and how frequent Parliaments would conduce to have Laws put duly in execution.

Resolved, *That it is the opinion of this House, that the House be Moved, that a Bill be brought in for the more effectual securing of the Meetings and Sitzings of frequent Parliaments.*

Resolved, *That it is the opinion of this Committee, that the House be Moved, that a Bill be brought in, that the Judges may hold their places and Sallaries, quam diu se bene gesserint.*

Resolved, *That it is the opinion of this Committee That one means to prevent Arbitrary power, is, that the House be Moved, that a Bill be brought in, against illegal exaction of money upon the people, to make it High-Treason. Reported to the House and agreed to.*

His Majesty's Speech made to both Houses, December 15. was Read.

Mr. Speaker,
J. H. SIR, The Veneration that is due to all His Majesty's Speeches, doth require that we should seriously Debate them before we give any Answer to them; but the circumstances we are under at this time, challenge a more than ordinary Con-

Consultation. For by the tenor of the Speech, I conclude, That the Success of this Parliament depends upon our Answer to it, and consequently the safety of the Protestant Religion, both at home and abroad. And therefore I think my self very unable to advise in this matter, and should not have attempted it, but that you have encouraged me by your leave to speak first. So that if I offer any thing amiss, those that come after will have opportunities to correct me. I would begin with the latter end of the Speech first, because that part of it is most likely to beget a fair understanding between His Majesty and this House. But I cannot but observe what great care is here again take of preserving the Succession in the right Line, as in all other His Majesty's Speeches ever since the Plot broke out. I think more could not be done, though it were in behalf of the King's Son, and a Protestant too. That limitation, and His Majesty's *offers of securing the Protestant Religion*, (if by Succession in the right Line may be meant the *Duke*) upon many Debates in this House is found *irreconcilable*, and therefore must be imputed to those that have advised His Majesty thereto. To preserve the right of Succession in the Duke, is to preserve something or nothing. The something must be no less than the Crown, in case of His Majesty's death, and so consequently the interest of the Popish party, who after one hundred years endeavours to have a Prince of their Religion, the indefatigable industry of the Jesuits to obtain it, and the loss of so much Blood spent therein, will, besides their principles and inclinations, lay on them great obligations to make use of the opportunity to establish their Religion again in this Nation. So that

that I must confess, *these reservations looks to me like a perfect design to save the whole party, accompanied with a power and pretence sufficient to enable them to accomplish their end.* For to this, the saving the Duke's right doth amount, and consequently the destruction of the Protestant Religion. Which cannot be imagined to proceed from His Majesty. In former times the interest of no one man could ever bear up against the interest of the Nation, now it seems, that the Religion, Lives and Liberties of all the people of this Nation; nay, I may say, all the Protestants of the Three Nations must all be lost, *rather than one man be dispossessed of his right, though by his own Act hath made himself incapable the enjoy it.* Certainly there must be more intended by this, than the saving of one man, it must be the saving of a party. And therefore, Sir, I am afraid we are but where we were two years ago. For it is plain to me, that there is a certain fatal *Scheme* which hath been exactly pursued these twenty years, in order to destroy the Protestant Interest, and hath had a strange secret operation in the management of all our affairs. And although now and then some accidents have hapned, that have occasioned some alteration for a time, as by His Majesty's recalling the Toleration, some Transactions of Parliaments, the breaking out of the Plot, and His Majesty's Toleration of his Council, 1679. Yet I observe that after a little while there is no change in the main, all returns to the old Scheme, as if there were a certain infallible balance that did preponderate. We have had so much experience of His Majesty's goodness and inclinations, that we cannot but conclude, that there is still some such thing, as a wheel within a wheel, whether

whether Jesuits, (for 'tis like them) or who I cannot tell, nor how the Government is influenced, that the Protestants should not be able to obtain any thing for their security. But we may guess and justly fear, that it will never be otherways, as long as there is a Popish Successor. The truth is, we have a hard task to serve our King and Country, in such a time as this is. We may expose ourselves to the rage of a powerful party, but I am afraid, get little to secure our selves against their revenge. We are under the same inequality as fair gamesters, that meet with those that use false Dice, and are like to have the same ill luck at last, unless His Majesty should be pleased to consider, who stands up most for his Government, and who plays fairest, and accordingly, change his Councils. The *first three Paragraphs* of the Speech are about *Alliances*, the *fourth* about *Tangier*, the *fifth* about securing the Succession, the *sixth* to know what we *desire*, and what we *will do*.

Sir, I take no delight in looking backward, but without doing it at this time, I am afraid we shall not mend, as we go forward. [It is not to be doubted, but that as well for the security of the Nation, at home; as of *Flanders* against the power of *France* and the Protestant Religion abroad, we are under a necessity to make Alliances, and that they cannot be made nor supported without Money. But did we not give above *Two Millions* for the preservation of the *Tripple-League*, and was it not by the power of the *French* and *Popish Party* imployed to break it? Did we not a little while since give about a *Million and half* for an *actual French War*, and was there not presently a general Peace made? Do not all Foreign Nations complain, that not-

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withstanding all our Treaties, Pretences, and Declarations, we have been only *true to France*? And what reason have we now to imagine, that if we should give Money for Leagues, that it would be employed otherwise than formerly? Is not the same Scheme of Government pursued still? is not the *French Ambassador*, and the *French Women* too, as great at Court as ever? and have not the Dukes Creatures the management of all affairs? and if the *Duke's interest*, the *French interest*, and the *Popish interest* be all one, can you imagine, that your Money shall be employed to make any Alliances that shall be for the advantage of the Protestant Religion. No, Sir, though His Majesty so intend it, yet the wheel within a wheel, *which hath managed all other alliances hitherto, will also manage these, and have the disposal of your Money too, and pervert it to our destruction.* And until things settle here at home, on a true *Protestant bottom*, it cannot be imagined, that any *Foreign Prince* will depend on us, or make Alliances with us. And therefore, as well for that, as because our Money may not probably be disposed of for any good end, it is in vain to Treat of either Alliances or Money. For until the interest be chang'd at Court, that so there may be a better understanding between the King and his people, it cannot produce any thing for our advantage,

As to *Tangier*, and the Succession, there hath been so much said already, when those points were debated, that I will not trouble you with more at this time.

But I beg leave to add something about the latter part of the Speech, which doth a little comfort me, because I hope we may graft such an Answer thereupon, as may beget a right understanding

standing with His Majesty. I know this House is constituted of persons much different from that of the Long Parliament, because of the many Pensioners that were in it, and that we need not now be afraid to talk of Money. I believe we all know, that without giving Money this Session, the Nation can never be happy, nor His Majesty's Government so formidable as it ought to be. And therefore I would humbly move you to appoint a Committee, to draw up an Address to assure His Majesty, that when His Majesty shall be pleased to grant us such Laws, as are necessary for the security of our Religion, which may be particularized in the Address ; that we will be ready to give him what Money his occasions may require, not only for the support of *Tangier*, and Alliances, but to enable him to have a good Fleet at Sea, for the encouraging of Seamen, and security of Trade, and preservation of his Dominions; that so we may shew we are ready to express our duty, as well by our acts as words.

Mr. *Speaker*,

Ld. R. Sir, Being it is so apparent that all our fears of Popery arise from, and center in the Duke of *York*; and that it is impossible the affairs of this Nation should ever settle on a good Protestant bottom, as long as there is a Popish Successor, which cannot be prevented but by the Succession-Bill. That there may be no ill construction made of our desires, I would humbly Move you to offer to supply the King, with what Money he may need for the support of *Tangier* and Alliances, upon his granting of the Succession-Bill only, that so His Majesty may have no reason to be dissident of us; not doubting, but that if we can once but lay a foundation

dation for a good Correspondence, that His Majesty will take so much content in it, beyond what he doth now enjoy, that to preserve it, he will afterwards grant us what more Bills may be farther necessary for the security of the Protestant Religion. And therefore I am not for clogging this Address with any request for any thing more, than that one Bill.

Mr. Speaker,

Sir W. J. Sir, We have hitherto had so little success in our endeavours, that we may justly suspect, we are permitted to sit here, *rather to destroy our selves, than to save our Country.* It is a matter of admiration to me, that those who have so often advised His Majesty, to put this and the former Parliaments upon finding out Expedients, for securing the Protestant Religion, without altering the Succession, should all this while find out none themselves, but still continue advising the King to put that upon us, which after many Debates is found to be impossible. And that the King should always have at his elbow, persons ready to remember him constantly to make this limitation, which in all appearance must tend to the final destruction of the Protestant Religion. And that there should be no body there, to mind him of proposing some Expedients to prevent it, only in general words, of which no use can be made. According to the opinion of Three successive Parliaments, the limitation in favour of the Popish Interest, is plain, intelligible, and practicable. I hope His Majesty against the next occasion, will require them that have so advise him, to make the Expedients, and other ways to secure the Protestant Religion, as plain and practicable; that so we may see if the security of the

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the Protestant Religion be deligned in good earnest by such advisers, which I cannot believe ; because what they propose, is, in my opinion, a contradiction in it self. Without the *Exclusion-Bill*, there can be no Expedient, but what will leave us in that miserable condition, of having first or last a contest with our lawful King. And there can be no such thing as setting up a power to oppose him, but by putting a kind of *Supreme Authority in the Parliament*, with a power to oppose, as well by making War as Laws, which might prove the destruction of the Monarchical Government. The said trust or power (without the *Exclusion Bill*) being not to be reposed in the next Heir, or any single person, least he should die before he come to have the power in him, or utterly refuse to act if he should live to have a right by virtue of such a settlement, to administer the Government. In such a case there would be no lawful power lodged any where else, to oppose such a King, and there must not be an *inter Regnum*. By this short account you may see, what difficulties all Expedients will be liable to, and may conclude, that those that advise the King to make this limitation, do intend it as an *Expedient to make the endeavours of Parliaments ineffectual, and to bring in Popery*. And if you had offered at such Expedients as I have mentioned, as the last House of Commons was Arraigned for Omnipotent and Arbitrary, so would this with some worse Character ; as having attempted to destroy the Monarchical Government, that if possible the King and people might be put out of love with Parliaments. But, Sir, though it is plain, that things are thus out of order, yet let us not be wanting in our duty, but give such an

Answer

Answer to his Majesty, as may if possible, create in him a good opinion of this House, and satisfie him of the necessity of the Bill of *Exclusion*, and that all other Acts of *Grace* will but serve to fatten us for the slaughter of our Enemies. The last part of this Speech, I believe, is his Majesty's own; he seems willing to know what you expect from him, and what you will do for him, which I think is a fair proposition to come to an understanding. And although it be not good Manners to offer to make a bargain with his Majesty; but as in bargains there is a *quid* and *pro quo*, so in this. And I think we need not fear talking of Money in this House, being all seem resolved to give it freely, if we can be secured of our Religion, but not otherways. And therefore I humbly conceive, you may accordingly express your selves plain in your Address.

Mr. *Speaker*,

W. G. Sir, If you do not represent all your Grievances in this Address, as the condition of your giving Money, whatever you shall offer at afterwards, will be lookt as clamorous and out of order. And therefore I would advise you, not to omit any one Grievance you expect any remedy in. And I am for enumerating all your Grievances in the Address, which have been lately Debated. And I do admire no body takes notice of the standing Army, which if not reduced to such a number as may be convenient for Guards, and so limited, that they may not be increased, unless in case of a Rebellion or an Invasion, all your Laws may signifie nothing. And I am not satisfied in the making of such general offers of Money. For if you do, you will hear in time, that the *Fleet* needs one *Million*,

Alliances as much more, and *Tangier* (though I think not worth keeping) little less. A demand of three Millions, grounded on your general promise, would perplex the House how to come off with that reputation, which a House of Commons ought to preserve with the King. I know not how such a promise may be turn'd upon you, and therefore I am either for demanding more, or promising less.

Mr. Speaker,

Sir E. H. Sir, I am very willing to have this Parliament broken; yet I cannot agree, that to prevent it, we should offer so much, and demand so little as hath been mentioned. Have we not sat two days in a Committee, to examine the dangerous estate of the Kingdom, and ordered several good Bills to be brought in thereupon, for the securing us against Popery and Arbitrary power; and shall we now the next day lay all those Bills aside, and be content with the *Exclusion-bill* only, which I think will be worth nothing, unless you can get more? And therefore, though to obtain them you spoke plain English, and mentioned what sum you intend to give, I think you will be safer to offer Money in general words, without declaring what, or enumerating your Bills.

Mr. Speaker,

G. V. Sir, I cannot agree with this worthy Member, for it would take up some days Debates, to agree what sum is necessary to supply his Majesty's occasions, and what sum to express. And it may be to no purpose, as the case stands with us, unless we were sure his Majesty would find out some way to bring the *Exclusion-Bill* about again; then indeed we might come to particulars. In the
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mean time, a promise in general words may be sufficient, and save the House a great deal of time. And for my part, I am not for enumerating many Bills, but should be content to give Money upon having the Exclusion Bill only, which being so precisely necessary for the preservation of our Religion, all the World will justify us in the demanding it, before we part with Money and therefore I desire the Committee may draw up the Address accordingly.

Resolved, That a Committee be appointed to prepare an humble Address to His Majesty, upon the Debate of the House, in answer to His Majesties Speech.

December 20. 1680.

Mr. Hampden reports the Address; which was read.

The Humble Address of the House of Commons presented to his Majesty, in Answer to his Majesty's Gracious Speech to both Houses of Parliament, upon the 15th. day of the same *December*.

May it please your most Excellent Majesty,

WE Your Majesty's most Dutiful and Loyal Subjects, the Commons in this present Parliament Assembled, have taken into our serious Consideration, Your Majesty's Gracious Speech to both Your Houses of Parliament, on the 15th. of this instant December; and do with all the grateful Sense of faithful Subjects, and sincere Protestants, acknowledge Your Majesty's great goodness to us, in renewing the Assurances You have been pleased to give us of your readiness to concur with us in any means for the Security of the Protestant Religion, and Your Gracious Invitation of us to make our desires known to Your Majesty.

But with grief of Heart we cannot but observe, that to these Princely Offers, Your Majesty has been advised (by what secret enemies to Your Majesty and Your people, we know not) to annex a Reservation, which if insisted on, in the instance to which alone it is applicable, will render all Your Majesty's other Gracious Inclinations of no effect or advantage to us. Your
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Majesty is pleased thus to limit Your promise of concurrence in the Remedies which shall be proposed, that they may consist with preserving the Succession of the Crown in its due and legal course of Descent. And we do humbly inform Your Majesty, that no interruption of that Descent has been endeavoured by us, except only the Descent upon the Person of the Duke of York, who by the wicked Instruments of the Church of Rome, has been manifestly perverted to their Religion. And we do humbly represent to Your Majesty, as the Issue of our most deliberate Thoughts and Consultations, that for the Papists to have their hopes continued, that a Prince of that Religion shall succeed in the Throne of these Kingdoms, is utterly inconsistent with the Safety of Your Majesty's Person, the preservation of the Protestant Religion, and the Prosperity, Peace, and Welfare of Your Protestant subjects.

That your Majesty's sacred Life is in continual danger, under the prospect of a Popish Successor, is evident, not only from the Principles of those devoted to the Church of Rome, which allow that an Heretical Prince (and such they term all Protestant Princes) Excommunicated and Deposed by the Pope, may be destroyed and murther'd; but also from the Testimonies given in the prosecution of the horrid Popish Plot, against divers Traitors attainted for designing to put those accursed Principles into practice against Your Majesty.

From the expectation of this Succession, has the number of Papists in Your Majesty's Dominions so much increased within these few years, and so many been prevailed with to desert the true Protestant Religion, that they might be prepared for the favours of a Popish Prince, as soon as he should come to the possession of the Crown: And while the same Expectation lasts, many

more will be in the same danger of being perverted.

This it is that has hardened the Papists of this Kingdom, animated and confederated by their Priests and Jesuits, to make a Common Purse, provide Arms, make application to Foreign Princes, and sollicite their Aid, for imposing Popery upon us; and all this even during Your Majesty's Reign, and while Your Majesty's Government and the Laws were our protection.

It is Your Majesty's Glory and true Interest, to be the Head and Protector of all Protestants, as well abroad as at home: But if these hopes remain, what Alliances can be made for the advantage of the Protestant Religion and Interest; which shall give confidence to Your Majesty's Allies, to join so vigorously with Your Majesty, as the State of that Interest in the World now requires, while they see this Protestant Kingdom in so much danger of a Popish Successor; by whom at the present, all their Councils and Actions may be eluded, as hitherto they have been, and by whom, (if he should succeed) they are sure to be destroyed?

We have thus humbly laid before Your Majesty, some of those great Dangers and Mischiefs which evidently accompany the expectation of a Popish Successor; the certain and unspeakable Evils which will come upon Your Majesty's Protestant Subjects and their Posterity, if such a Prince should inherit, are more also than we can well enumerate.

Our Religion, which is now so dangerously shaken, will then be totally overthrown; nothing will be left, or can be found to protect or defend it.

The execution of old Laws must cease, and it will be vain to expect new ones. The most sacred Obligations of Contracts and Promises (if any should be given) that shall be judged to be against the Interest of the Romish Religion, will be violated; as is undeniable,

niable, not only from Argument and Experience elsewhere, but from the sad experience this Nation once had on the like occasion.

In the Reign of such a Prince, the Pope will be acknowledged Supream (though the Subjects of this Kingdom have sworn the contrary) and all Causes, either as Spiritual, or in order to Spiritual Things, will be brought under his Jurisdiction.

The Lives, Liberties, and Estates of all such Protestants, as value their Souls and their Religion more than their secular Concernments, will be adjudged forfeited.

To all this we might add, That it appears in the discovery of the Plot, that foreign Princes were invited to assist in securing the Crown to the Duke of York; with Arguments from his great Zeal to establish Popery, and to extirpate Protestants (whom they call Hereticks) out of his Dominions; and such will expect performance accordingly.

We further humbly beseech Your Majesty, in Your great wisdom to consider, Whether in case the Imperial Crown of this Protestant Kingdom should descend to the Duke of York, the opposition which may possibly be made to his possessing it, may not only endanger the farther descent in the Royal Line, but even Monarchy it self.

For these Reasons, we are most humble-Petitioners to Your most Sacred Majesty, That in tender commiseration of Your poor Protestant people, Your Majesty will be graciously pleased to depart from the Reservation in your said Speech; and when a Bill shall be tendred to Your Majesty, in a Parliamentary way to disable the Duke of York from inheriting the Crown, Your Majesty will give Your Royal Assent thereto; and as necessary to fortify and defend the same, that Your

Majesty will likewise be graciously pleased to Assent to an Act whereby Your Majesty's Protestant Subjects may be enabled to Associate themselves for the defence of Your Majesty's Person, the Protestant Religion, and the Security of Your Kingdoms.

These Requests we are constrained humbly to make to Your Majesty as of absolute Necessity, for the safe and peaceable Enjoyment of our Religion.

Without these things, the Alliances of England will not be valuable, nor the People Encouraged to Contribute to Your Majesty's Service..

As some farther means for the preservation both of our Religion and Property, We are humble Suiters to Your Majesty, that from henceforth such persons only may be Judges within the Kingdom of England and Dominion of Wales, as are Men of Ability, Integrity, and known Affection to the Protestant Religion. And that they may hold both their Offices and Sallaries, Quamdiu se bene gesserint. That (several Deputy-Lieutenants and Justices of the Peace, fitly qualified for those Employments, having been of late displaced, and others put in their room, who are men of Arbitrary Principles, and Countenancers of Papists and Popery) such only may bear the Office of a Lord-Lieutenant as are persons of Integrity and known Affection to the Protestant Religion. That Deputy-Lieutenants and Justices of the Peace may be also so qualified, and may be moreover men of Ability, of Estates and Interest in their Country.

That none may be employed as Military Officer, or Officers in Your Majesty's Fleet, but men of known Experience, Courage, and Affection to the Protestant Religion.

These our humble Requests being Obtained, we shall on our part be ready to Assist Your Majesty for the Preservation

servation of Tangier, and for putting your Majesty's Fleet into such a condition as it may preserve Your Majesty's Sovereignty of the Seas, and be for the Defence of the Nation.

If Your Majesty hath or shall make any necessary Alliances for defence of the Protestant Religion, and Interest and Security of this Kingdom, this House will be ready to Assist and Stand by Your Majesty in the support of the same.

After this our Humble Answer to Your Majesty's Gracious Speech, we hope no evil Instruments whatsoever shall be able to lessen Your Majesty's Esteem of that Fidelity and Affection we bear to Your Majesty's Service; but that Your Majesty will always retain in Your Royal Breast, that favourable Opinion of us Your Loyal Commons, that those other good Bills which we have now under Consideration, conducing to the Great Ends we have before mentioned; as also all Laws for the benefit and comfort of Your People, which shall from time to time be tendered for Your Majesty's Royal Assent, shall find Acceptance with Your Majesty.

Mr. Speaker,

E. V. Sir, I have hearkened with all the attention I could to this Address, and do agree with the first part of it. The Dangers and Inconveniencies arising from a Popish Successour, are very obvious; and that there will be no Peace nor Tranquillity in this Nation for this present, as long as there is a Popish Successour, and that our Religion will be lost, if there should be a Popish King, I am afraid is too true: But yet I must crave leave to dissent from the opinion of those worthy Members that have drawn it, as to the other parts thereof. I think it

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is not convenient at this time, to press so hard for the *Exclusion* Bill, because we know we cannot have it without a *Prorogation*; which for my part I fear at this time, as much as I do a Popish Successor, for I do believe, if it should happen, that you will sooner see the Duke at *White-Hall*, than this Assembly met together again between these Walls. And therefore am not willing to give the Popish party such an advantage to procure our Dissolution, lest they should lay hold of it, as I believe they would; by which the Protestant Interest both abroad and at home, will be ruin'd. And as I cannot agree in this, so neither in pressing the *Association* Bill: for being it hath not yet been brought into the House, we do not well know what will be the purport of it. And it is not proper, that we should ask of the King we know not what; nor expect that he should grant us what he can know nothing of. And truly, Sir, I think that these things about the Judges, Deputy-Lieutenants, and Justices of the Peace, are minute things to be insisted on at this time, compared with others which might be demanded. *Queen Elizabeth's Counsellors never thought her safe, until the Popish Successor was inclosed in a Tower; and I am afraid that you will never be safe, until you take some such course that may bring things to an issue.* When you have done that, and banished all the considerable Papists out of England, I think we shall not be in so apparent danger, as we know are. And seeing this may probably be granted, and the other Bills not, I humbly move you to recommit the Address that it may be better considered. I know not how this may agree with the sense of the House, but I shall always crave leave to speak in this place according to my Conscience,

science, that so I may have peace within me ; but readily submit to better judgments.

Mr. Speaker,

Sir W. J. Sir, I am very glad that worthy Member agrees in the apprehensions of the dangers arising from a Popish Successor, and in the necessity of the Bill of Exclusion, and am very sorry, I cannot agree with him in the rest of his Discourse. I cannot imagine, without a high reflection upon his Majesty, that if he should be persuaded to prorogue the House for two or three days, in order to pass the Exclusion Bill, that he should instead of permitting us to meet again, dissolve the Parliament ; which is quite contrary to it. I fear a prorogation, without being intended for this ; but if once we could prevail with His Majesty to do it for this end, I should not doubt the desired Effect. And in pressing the *Association* Bill, we shall not press the King to grant us we know not what: The word Association may very well be understood, and the ends of it are declared to be for the security of His Majesty's person, and the Protestant Religion. And if when drawn, it should be directed to other ends, I suppose this House will take care to mend it ; if not, the King's promise can bind no farther than to pass a Bill for those ends. But I do much admire to hear, that the having of good Judges, Justices, and Commanders at Sea and Land, is a trivial thing : for I think that all other things you desire without it, would signify nothing. As long as the Laws and Militia of the Nation is in the hands of persons not well-affected to the Protestant Interest, I am afraid we shall have no security against Popery. As to the new way that hath been proposed of bringing matters relating to the *Popish*
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Successor, to such an issue, as that he may be *secured*, as in Queen *Elizabeth's* time. If he had been sensible that there are none in Office but what are for his interest, he would first have agreed to have endeavour'd to have got such changed, before he would have proposed that way. And it would be necessary that we should also have such Privy-Councillors as Queen *Elizabeth* had, and not *Eleven* to *Seven* for the *Popish Successor*. And therefore seeing these Proposals have no more appearance of being for your service, I see no reason you have to be diverted from the way you were going: And therefore I humbly move to agree with your Committee.

The House agreed.

December 21. 1680.

A Bill was read for Uniting his Majesty's Protestant Subjects.

Mr. Speaker,

Sir, It is not to be doubted but that the happiness of this Nation and safety of our Religion doth depend very much upon preserving the well-constituted Government of the Church, and that the Government in the State will not long stand if that be pull'd down, to which, I am afraid, this Bill will contribute very much. Sir, it is well known, how notwithstanding all the endeavours of His Majesty, as well in Parliament as otherwise, all the Acts that are in force against Dissenters, all the endeavours of the Fathers of the Church, there are a sort of men, and great numbers too, who will neither be advised nor overruled, but under the pretence of Conscience break violently through all Laws whatsoever, to the great disturbance both of Church and State. And if you should give them more Liberty, you will encourage them to go on with more boldness; and therefore I think it will be more convenient to have a Law for forcing the Dissenters to yield to the Church, and not to force the Church to yield to them; And I think we are going quite the wrong way to do the Nation good. And therefore I am against this Bill.

Mr. Speaker,

D. Sir, I would not open my mouth in favour of

of this Bill if I thought it would any ways prejudice the Church or Church-Government ; but I believe it may have a quite contrary Effect, and tend more for the preservation and safety of the Church and Church-Government, than any Bill whatsoever that could be contrived. We have a Church Government settled by Law, to which the Major part of the people, like good Christians and Loyal Subjects, give obedience ; but it is our misfortune that there are in the Nation a great many which will not submit to this Government, which may be divided under three Heads. 1. The *Papists*, who differ from us in points of Faith, and will not give any obeysance but to the Church of Rome. 2. *Independants, Presbyterians*, and some others, who agree in points of Faith, and differ only in some points of Doctrine and Ceremonies. 3. *Quakers*, who disagree not only in points of Doctrine and Ceremonies, but in points of Faith, and are a head-strong sort of unreasonable people, that will not submit to any Laws made about Religion, but to give obedience to the Civil Magistrate upon all other occasions. The Church of England Men, are not only the greatest number, but have the Government of their side. What Laws to make that may tend most to the preserving of it is your business. It is in danger from the *Papists* on the one hand, and the rest of the Protestant-dissenters on the other, who in some measure agree in their enmity and disrespect to the Church, and therefore the more care ought to be taken for its preservation.

Having thus, Sir, discovered the danger of the Church in general, it will be necessary, in order to find out a remedy, to discourse a little of the
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Strength and Interest of each party in particular.

Sir, the *Papists* are not the greatest number, but yet in my opinion, upon several considerations, are most to be feared, because of their desperate principles which make them bold and indefatigable, and the assistance they may have from *Rome, France,* and *Ireland*; but above all, from the great share they have in the management of the Government, by the means of a *Popish Successor*, and the fear of their getting the Government into their hands hereafter, by having a *Popish King*. Which of it self hath been sufficient in former times to change the Religion of this Nation, and may justly be feared, may have the same effect again, unless the Protestants be well united. The *Presbyterians, Independants*, and all other Dissenters, may be more in number than the *Papists*, and may be willing enough to have the Church-Government altered, if not destroyed; yet being they cannot have any succour from abroad, nor from the Government here at home, I cannot see any great danger of them. For it is not probable that they shall ever have a King of their opinion, nor a Parliament, by the discovery they made of their strength in the last Elections. For according to the best calculation I can make, they could not bring in above one in twenty. And therefore, because they have not such bloody desperate principles as the *Papists*, and because we agree in points of Faith, and so no such great danger from them as from the *Papists*, I think we have reason to conclude, That the Church is most in danger from the *Papists*, and that therefore we ought to take care of them in the first place; and we can-

cannot do that by any way more likely to prove effectual, than by some such Bill as this. Because if it should have the effect designed of bringing in many of the Dissenters into the Church, it would disappoint them of the great hopes they have grounded on our Divisions, and make the Church stronger, not only to oppose the Papists, but such Fanaticks as may not come in. And if we should be so unfortunate as that this Bill should not have this success, I do not understand it will any way weaken the Church-Government. And therefore I am for this Bill.

Mr. Speaker,

F. Sir, this Bill is intended for the preservation of the Church, and I am of opinion, is the best Bill that can be made in order thereto, our circumstances considered. But I know not what effect it may have, because you are to deal with a stubborn sort of people, who in many things prefer their humour before reason, or their own safety, or the publick good. But, Sir, I think this is a very good time to try whether they will be won by the Cords of Love or no, and the Bill will be very agreeable to that Christian Charity which our Church professes; and I hope that in a time of so imminent danger as we are in, of a common Enemy, they will consider their own safety, and the safety of the Protestant Religion, and not longer keep afoot the unhappy Divisions that are amongst us, on which the Papists ground their hopes. But rather seeing the Church doth so far condescend as to dispense with the Surplice, and those other things which they scruple at, that they will submit to the rest that is enjoined by Law, that so we may unite against the common Enemy. But if

If this Bill should not have this desired effect, but on the contrary, notwithstanding this condescension, they should continue their Animosities and disobedience to the Church, I think still the Church will gain very much hereby, and leave that party without excuse, and be a just cause for the making of more coercive Laws. So that upon all accounts you have been well moved for the passing of this Bill.

Mr. Speaker,

E. Sir, I very much admire to hear it alledged; that this Bill will tend to the advantage of the Church; For how can the pulling down of the Pales, and weakning the Laws against its Enemies, be a way to preserve it? I am of another opinion, and do think this Bill may not onely occasion a great weakness, but give, I fear, a mortal Wound to the Church. Is it not much more reasonable, that the Dissenters should submit to the Church, than the Church to the Dissenters? And I am afraid, if once the Government should begin to yield to them, it will be as in 41. nothing will serve but an utter subversion; the having of one thing, will give occasion for demanding more; and will be impossible to give them any satisfaction, without laying all open, and running into confusion. It is our misery that the Church is in so much danger of Popery; pray, Sir, let us have a care how we Increase her danger from Fanaticks. Instead of this Bill, I humbly conceive, that Laws to force the execution of such Laws as are in being against the Dissenters, and what more may be necessary to compel an entire obedience (seeing the experience we have already had of this other way hath not proved effectual) may more

contribute to the strengthening of the Church, and prevention of Popery.

Mr. Speaker,

Sir, as well Church-men as Dissenters, do all know we have a dangerous common Enemy that is got within our bowels, and wants nothing but a King to their minds to have the strength of the Nation, as well Civil as Military, at their Command, and so consequently a sufficient power to destroy the Protestant Religion, if not prevented by a timely Union of the Protestant Interest. The question that may properly arise at this time is, whether the putting of the Laws we already have in execution, and making more against Dissenters, in order to bring them into the Church by force, or the making of this Law to bring them in by fair means, be the most likely way to unite us, that so we may be in a better condition to oppose the common Enemy. It is obvious to me, that the making of new Laws, or execution of the old at this time, is the ready way to ruine us; and what the Papists do certainly desire and aim at above all things whatsoever. For if it should be put in practice, the effect would be this; *It would be the occasion of throwing off the further prosecution of the Plot and Popery*, and in a little time occasion, not onely more heats and animosities, but such a revengeful implacable Spirit amongst us, as would prove irreconcilable, and give opportunity for the Popish Interest to joyn, with either party, or at least ways abet and assist them underhand, so that they shall easily be provoked to destroy one the other. But if this should not happen, what real Love, Friendship, or Obedience can the Church expect from such persons, as by
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the execution of such Laws may be forced to come to Church? How can they be depended on, or the Church be strengthened by them? You may prevent their Conventicles, and force them either to come to Church or pay Fines, or be Imprisoned; but you cannot expect that *their Opinions or Affections should be altered by such Proceedings, without which the Church can never be the stronger.* It must be a work of time to reconcile the Divisions that are amongst us, and may be a great and necessary employment for many Parliaments hereafter, when the common Enemy doth not give such a just occasion of distraction, and for employing all your thoughts and care about him when they may have more leisure, because their dangers may not be so imminent. But to go about it at this time by any such Laws, is the ready way to weaken the Protestant Interest, and bring ruine upon us. But suppose we would follow this advice, and make new Laws, and require a severe execution of the old, how can you imagine that as long as the Popish Interest is so prevalent, the execution of such Laws shall be continued longer than may be subservient to the interest of that party? Have we not had a sad experience of this? Hath the Oxford-Act, or that of the 35 of Queen Elizabeth, or any other against the Dissenters, been executed in favour of the Church? *Are not the Dissenters as many, if not more, now than ever?* And is not experience in all affairs the best Master? And is there any thing more visible, than that these Laws have been made use of to serve the Popish Interest, or as Engines rather for the affairs of the State than Church: when in the Year 1670 by the severe execution of these Laws

all Meetings in Conventicles were prevented, and many Dissenters came to Church, did not the Toleration happen thereupon ? and was not the execution of the Laws put afoot, as may be presumed, by that great Papist *Clifford*, who had then the greatest share (under his Majesty) in the Administration of the Government ? If the execution of these Laws against Dissenters had been for the advantage of the Church, why was there then granted a Toleration ? And if the Toleration had been intended for the advantage of the Protestant Religion, why were not the Churchmen, nor Dissenters of any kind, pleased with it ? And if the *Oxford-Act*, and other Laws against Dissenters, were projected in favour of the Protestant Religion, it was strange that they were so much promoted (as many Members now here who did serve in those Parliaments do remember) by Sir *Tho. Clifford*, Sir *Solomon Swale*, and Sir *Roger Strickland*, who have since all appeared to be Papists. Sir, we have been strangely led by the Popish Interest for many years already ; I pray, Sir, let us not now at last do like *Narcissus*, to be so much in love with a Shadow, as to fall into a Gulph and drown our selves. Sir, I am afraid the Name of Church hath been strangely made use of to bring in Popery. I hope we shall endeavour to preserve, not onely the Name, but the Substance, I mean the Protestant Religion, otherwise we may come off no better than the Dog in *Aesop's* Fables with his Shoulder of Mutton. I hope that what I have said, will not represent me as an Enemy to the Church, or Church Government ; I am sure, I am not conscious to my self, that I ever entertained a thought against the preservation of either. All
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what I have said, doth proceed from an apprehension that *our Church men of late have been out of the right way to preserve either our Religion or our Church*; Because the courses which they take must (though I am far from suspecting they design it) give a great assistance to Popery. I remember that after the Plot broke out, there was for a little while a kind of a reconciliation amongst Protestants, and an united opposition made to the common Enemy, and how then the Popish Interest gave way, we may all remember; *but this was too much in favour of the Protestant Religion to hold long.* Within a few Months the fire broke out again, *and the Pulpits and the Press, instead of being employed against the Common Enemy, were reduced to their old way, of carrying on the divisions amongst Protestants:* And how the Popish Interest have since gone on triumphant again, all here, I suppose, may know. Sir, the Church hath two strong Enemies, the *Papists* and *Fanaticks*. We are already engaged in a sharp contest with the *Papists*, and find they are strong enough for us; Why must we now also enter into a fresh engagement with the *Fanaticks*, especially when we may be sure thereby to strengthen our Enemies, and weaken ourselves? Such advice cannot proceed from such as are friends to the Protestant Church: If we should make new Laws against Dissenters, as hath been moved, and enforce the execution of the old ones, as long as we have a Popish Successor, can any man imagine, that the execution of them will be longer kept afoot, than will consist with the Popish Interest? Sir, our Church and Religion will be lost, if Union be not improved amongst Protestants, and I think no Bill can promote it like

this. And therefore I am for the passing of this Bill.

Resolved, *That the said Bill be committed upon the Debate of the House.*

December 23. 1680.

Some Queries relating to the Execution of *William* late Viscount *Stafford*, offered to the House by the Sheriffs of *London* and *Middlesex*.

1. *Whether the King, being neither Judge nor Party, can order the Execution?*
2. *Whether the Lords can award the Execution?*
3. *Whether the King can dispence with any part of the Execution?*
4. *If the King can dispense with some part of the Execution, why not with all?*

Mr. Speaker,

Sir W. J. **S**IR, Death is the end of the Law in Criminal matters, the other particulars of the Sentence are but Ceremonies, used *ad terrorem*. I never read of any Peer that was quartered, tho many have been condemned for Treason, and some in Parliament. The Lady *Jane Gray*, and many other women, have been condemned for Treason, and in that case are always condemned to be Burnt; but however, are usually, if persons of Honour, Beheaded. Wherefore

fore it is probable, that the Royal Power hath always dispenced with such Sentences formerly; and if so, this House lieth not under any obligation to offer at any opposition, nor concern themselves herein, especially at this time, when such a dispute may end in preventing the Execution of the said Lord *Stafford*. And therefore I humbly conceive you may do well to give your consent, that the said Writ be executed according to its tenour.

Resolved, *That this House is content that the Sheriffs of London and Middlesex do execute William late Viscount, Stafford, by severing his Head from his Body enely.*

December 30. 1680.

A Motion being made in the behalf of Judge Rayman, that one Sheredon in custody of the Serjeant at Arms, by order of the House, had moved for his Habeas Corpus; which he had denied, because he was committed by order of the House, desiring the Opinion of the House.

Mr. Speaker,

Sir W. J. S I R, the Priviledges of both Houses of Parliament are concern'd in this business, and in that the very being of Parliament; and therefore we must be very careful what we do in it. I have perused the *Habeas Corpus* Bill, and do find, that there is not any thing in it that doth reach, or can be intended to reach to any Commitment made by either House of Parliament during Session. The preamble of the Act, and all the parts of it do confine the extent of the Act to Casesailable, and directs such courses for the execution of the Act, as cannot be understood should relate to any Commitment made by either House. This House is a Court of it self, and part of the Highest Court in the Nation, Superiour to those in *Westminster-hall*; and what Laws this House joyns in making, are to bind inferiour Courts, but cannot be understood to bind themselves as a Court; that would prove not onely dangerous, but destructive to the Dignity of Parliaments, and level them with the Courts in *Westminster-Hall*. Great care ought.

ought to be taken how you allow of restraints and Limitations to the proceedings of both Houses of Parliament, being so great a part of the Legislative power of the Nation, lest thereby you should by degrees render them useless. *A Commitment of this House is always in nature of a Judgment; and the Act is only for Cases bailable, which Commitments upon Judgments are not, at least Commitments by this House were never yet allow'd to be bailable. And I suppose you will never grant them so to be. Can it be imagined that this House, who present all the Commons of England, should not be intrusted with as much power for the preservation of their constitution upon which the support of the Government so much depends, as ordinary Courts and Officers are intrusted with, which are only designed for the welfare of particular persons? I am of opinion, that no Act can deprive this House of that power, which they have always exercised, of committing persons without Bail, unless in express words it be so declared: Nor of discharging upon Bail after committed. The same reasons which may be given for discharging such as are not committed for breach of Privilege, if it be grounded on the Act for the Habeas Corpus, will hold as strong for the discharging of persons committed for the breach of Privilege; and so consequently deprive this House of all its power & dignity, and make it insignificant. This is so plain & obvious, that all Judges ought to know it; and I think it below you to make any Resolve therein, but rather leave the Judges to do otherways at their peril, and let the Debate fall without any Question.*

Mr. Speaker,

Sir F. W. Sir, the last House of Commons being sensible how narrowly this Nation escaped being ruin'd

ruin'd by a sort of *Monsters* called *Pensioners*, which fate in the late *Long Parliament*, had entred into a Consideration how to prevent the like from coming into future Parliaments; and in order thereto resolved, that they would severely chastise some of those that had been guilty, and make the best *Laws* they could to prevent the like for future. : And for that purpose a Committee was appointed of which Mr. Serjeant *Gregory*, now Judge *Gregory*, was Chairman; by which, many Papers relating to that affair, came to his hands. Sir, I think it a business of so great importance, that it ought never to be forgotten, nor the prosecution of it deferred. I have often heard, that *England* can never be destroyed but by its self: To have such Parliaments, was the most likely way that ever yet was invented. I remember a great Lawyer said in this House when it was debated in the last Parliament, That it was treason, and he gave many learned Arguments to make it out. Whether it be so or no, I will not now offer to debate; but I think that for those that are the Legislators of the Nation to take Bribes, to undermine the Laws and Government of this Nation, that they ought to be chastised as Traytors. It was my fortune to sit here a little while in the *Long Parliament*; I did observe that all those that had *Pensions*, and most of those that had Offices, Voted all of a side, as they were directed by some great Officer, as exactly as if their business in this House had been to preserve their *Pensions and Offices*, and not to make *Laws* for the good of them that sent them here. How such persons could any way be useful for the support of the Government, by preserving a fair understanding between the King and his People, but on the contrary how dangerous

gerous to bring in Arbitrary power and Popery, I leave to every mans judgment. They were so far from being *the true Representatives of the People*, that they were a *distinct middle Interest* between the King and the People; and their chief business was to serve the end of some great Minister of State, tho never so opposite to the true Interest of the Nation. Sir, this business ought never to fall, tho there should be never so many Prorogations and Dissolutions of Parliaments, before any thing be done in it; I think it is the Interest of the Nation, that it should be *prosecuted from Parliament to Parliament, as if there were an Impeachment in against them*. And therefore, Sir, I would humbly move you to send some Members of this House to Judge Gregory, for the Papers he hath taken in his custody relating to this affair, that so you may in convenient time proceed further herein, as you shall think good. And Sir, being there is a report that some of this House have now made a Bargain at Court for great Offices in order to vitiate and corrupt their Votes in this House; which tho but a project to cast a reflection on such Members, however to satisfy the world, I pray, Sir, let there be a Vote past, *That no Member of this House shall accept of any Office under the Crown, during such time as he continues a Member of this House*.

Mr. Speaker.

S. T. Sir, I am so over-loaden with Melancholy, as that I can hardly speak in this matter: For I have received so many Compliments as to my being constituted a great Minister of State, that I begun to flatter myself, as others flattered me, that I were really so. But now I do discover, that I have been but in a kind of a dream; and to fear that

that I shall never in reality have any such Office. But whatever Vote you make to punish us Officers, I pray, Sir, let it not be so severe as that it may prejudice the publick. Suppose his Majesty should have occasion to send some persons to *Nimmeguen* for Plenipotentiaries, and there should not be any men in *England* fit for it, but some that should be Members of this House, would you have the publick affairs of the Nation injured, rather than such Members should accept of such an Employment? Or suppose some Invasion should happen, and there were no couragious expert Admirals to be had, but such as were Members of this House, should they not accept thereof because of your Vote? To prevent these inconveniencies, and to leave us all some hopes, I pray, Sir, add to your Votes, *Not without leave of the House.* After some further Debate,

Resolved, *That no Member of this House shall accept of any Office or Place of profit from the Crown, without the leave of this House; nor any promise of any such Office or Place of profit, during such time as he shall continue a Member of this House.*

January 5. 1681.

*The Articles against Sir William Scroggs,
Chief Justice of the Kings Bench, were
read.*

Mr. Speaker,

SIR, in my opinion the matter contained in the last seven Articles, doth not answer the first Article; nor the Title: for therein you accuse Sir *William Scroggs* in general words of High-Treason; the highest of Crimes; and when you come to particulars, you instance the dismissing of Grand-Juries, prohibiting printing of Pamphlets, inequality in levying of Fines, and the like. Sir; I would not be understood to be an Advoeate for the Lord Chief Justice *Scroggs*; but I hope that as long as I sit here, you will always give me leave to be an Advocate for this House; which I cannot more signally demonstrate than by offering my opinion against every thing which I think will reflect upon the Justice or Prudence of the House, or prove any hindrance to the finishing of those great Affairs you have under Debate.

Sir, I am of opinion, that tho all these things contained in these Articles should be fully proved, they will not amount to Treason; and altho it be true that you do but impeach and that the Lords are to judg, yet it is not agreeable to the Justice of this House, that the Articles should be for *Treason*, unless you are wel satisfied that you can make
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out that the matter contain'd in the Articles is so: Which I very much doubt; and therefore I am of opinion, that the Articles ought only to be for high Crimes and Misdemeanors; which I am the more forward to press you earnestly to, because I am afraid if these Articles should go for High Treason, it may occasion some dispute with the Lords, who hapily, if they do not conclude that the matter contain'd in the Articles amounts to Treason, will not commit him, notwithstanding their Order made in the Earl of *Danby's* Case: And that may occasion such misunderstandings, as may hinder all other business. And also if you send it up for High-Treason, it may occasion another Dispute with the Bishops, whether they shall withdraw or no, when the Case comes to be tryed. Upon the whole matter, I think it will be much safer that you make the Impeachment for high Crimes and Misdemeanors only.

Mr. Speaker,

D. F. Sir my obligation to serve my Country, calls on me to give you my opinion in this matter, and not any kindness to my Lord Chief Justice: for I can safely declare, that I do not think him fit for that eminent place now, because indeed I never thought he was fit: So that what I shall say, proceeds from my kindness to the Publick, and particular obligations to this House. I think we ought to be cautious how we increase Laws to take away our lives; our Forefathers were very careful in it, as may appear by the Statute of 25 *Edw. 3.* which was made to prevent the Judges from taking on them any power to declare any thing Treason but what was exprest within that Statute; reserving all obvious Crimes of that nature to the Judgment of

of the Nation in Parliament, who no doubt may declare other things Treason which are not within that Statute. But 'tis a Question with me, whether it can be done any other way than by Bill, that so it may be an Act of King, Lords, and Commons and not of the House of Lords only, the Commons onely prosecutors, and the King not concern'd. That the Lords alone are proper Judges in many Cases, when persons are prosecuted upon some known Law, is not to be doubted; but I much question, if they ought to be so in Cases of *declarative Treason, though upon an Impeachment from the House of Commons*: For that were to allow the Lords alone a power of making a Law in the Cases of the highest nature, even of Life and Death. Sir, our Forefathers thought not good to intrust their Lives nor Liberties with any one Estate alone, they thought with a multitude of Counsellors there was most safety; and therefore I hope we shall be very cautious how we make a president in the Case. And I am the more earnest in moving you herein, because I am very confident that no president can be offer'd to make good, that there was ever anything declar'd Treason in Parliament which was not Felony by some express known Law before. And I hope we shall be so careful of our selves & our Posterity, as not to go about to make a breach upon the Constitution of the Government in this particular, but rather make the Impeachment only for high Crimes and Misdemeanors.

Mr. Speaker,

Sir *F. W.* Sir, I cannot agree with that honourable Member that spoke last, as to his notion that the Parliament cannot declare any thing to be Treason, which was not before Felony by some known

known Law ; the Statute of 25 *Edw. 3.* leaves the power at large to Parliaments without any such restriction. And I am of opinion, that any thing that tends to the Destruction or Alteration of the Government, hath always been, and ought to be declared in Parliament, Treason, if brought there to be judged. *The Parliament doth not in this make new Crimes, and then condemn them ; but only declares that to be a Crime which was so before, and wanted nothing but Condemnation* And it may consist with the prudence of this House, as well to be careful how to weaken those Laws and Customs which tend so much to the preservation of the Government, as how to increase any that may tend to the destruction of any one man, by multiplying Presidents for chastizing of Treason; the Crimes for which *Trefilian* and the rest at that time were impeached, were not *Felony* by any known Law, and yet they were condemned in Parliament. *Empson* and *Dudley* were accused in general, for endeavouring to subvert the Government, which being in general words, was not *Felony* by any known Law, yet the Judges having recourse to Parliament, they were condemned. The Articles against *Finch*, *Berkley*, and the rest, were all for High Treason, and the matter contained in their Articles amounted to no more than what is now contained in this. And there is so little weight in the Cases that have been offered against this, that, I think, they are offered rather for ornament than argument. *The Chancellor is the keeper of the Kings Conscience, and the Judges of his Coronation Oath.* As they are in great Places, & have a great Power, so they ought to be the more careful how they behave themselves. And as they have

have greater Incouragements, so to be subject to more severe Chastisements than others, the publick being more concerned in their actions; and therefore the custom of *Parliaments* hath made that Treason in them which is not so in other persons. The words of *Judges* and *Privy-Councillors* in some cases are *Overt-Acts* of themselves. I think it will become the wisdom of the Nation, to make all the defence and provision they can, against the corrupt doings of men in such places. And I do not see what danger can arise to our Posterities by such proceedings. Is it not with the Parliament we intrust this power? Who can imagine that a Parliament can ever be so constituted, as not to be carefully concern'd in their proceedings as to Life and Death; and only concern themselves therein, when some extraordinary exigences in which the Government is much concerned requires it? What man would desire to live after he was thought worthy of death by such an Assembly? And notwithstanding what hath been said to extenuate the Crimes mentioned in these Articles, I think, the Order that was made in the Kings Bench about Printing, by the Judges, was taking on them a legislative power, which hath formerly been judged Treason; And I think we live now in as dangerous times as ever, and under as great a necessity to have a care of the mischiefs that may happen to the Nation by ill Judges as ever. And I see no reason to doubt our being able to make good these Articles; and therefore I pray that the Articles may be ingrossed as they are.

Mr. Speaker,

H.P. Sir, I agree that it will become this House very well, to be very cautious how they make pre-

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sidents

sidents in cases of Treason, which are the *Sheet-Anchors* of Life and Death ; as also how to weaken Parliamentary Proceedings, that are necessary to preserve the Government. And I hope that nothing but the true merits of the Cause will lead us in a matter of so great importance, and neither Wit nor Oratory, nor any forced explanation of the Laws ; I see it agreed by all, that Parliaments have a Power of declaring Treason. The Question is, which is most customary and securest, to have it done by Bill, that so King, Lords, and Commons may joyn therein ; or whether by an Impeachment from the Commons, the Lords being only the Judges ; or whether any thing ought or can be declared *Treason* by Parliament, which was not *Felony* by some known Law before.

Sir, I am of opinion that it is safest and most agreeable to the policy of this Government, that the declaring of any thing Treason in Parliament should be by Bill, that King, Lords, and Commons may joyn therein, that so such a precious thing as the life of the subject should have the greatest security imaginable. However it is not to be doubted, but it hath been practised otherways, and that many persons have been Condemned in Parliament upon Impeachments from the Commons for facts which were not *Treason* by any known Law. And the reason may be, thereby to prevent the dangers that might arise from some Ministers of State growing so great with the King, as that they should be able to secure him from ever giving his consent to a Bill. In such a case, by giving ill Counsel and other secret courses, (happily as far as treason, yet not known by any Law) they would be secure from punishment, if this way of proceeding against
such

such a person where the Kings concurrence is not necessary, were not allowed of. And the preserving of this right, is so far from being contrary to the wisdom of our Ancestors, that it is very agreeable to all their proceeding in the constitution of this Government, in order to ballance it the better, and preserve it against the designs of great ill men. And as to the other Objection, whether the Parliament can declare any thing *Treason* that was not *Felony* before by some known Law? I am quite of another opinion, and do believe the practice hath been otherways; the *Judges* in *Rich.* the 2^d's time were condemned for giving extrajudicial Opinions, which, I think, was not *Felony* by any Statute-law. A Knight of *Cheshire* was condemn'd in Parliament, for conspiring the death of the King's Unkle. An Earl of *Northumberland*, for giving Liveries to so many persons as were judged a little Army. And many other cases which I have read of, in which persons have been condemn'd in Parliament, when their Crimes were not *Felony* by any known Law. But I do not take any delight in ripping up old Statutes or Presidents about Treasons. I am sorry the misfortunes of our times should make it now necessary. But if the Parliament, as I conclude, have often declared such things as these *Treason*, and the Commons have impeached persons guilty of such Crimes, for High *Treason*, I see no just objection why these Articles should not go up as they are drawn: For notwithstanding what hath been said to mitigate the crimes contained in these Articles, I am of opinion that the Order made in the Kings Bench about *Printing*, their Warrants for seizing of Books, their dismissing

of Grand-Juries, doth tend to the subversion of the Government, and hath been and ever ought to be, in Judges, judged Treason. And therefore, that it cannot consist with the prudence of this House, nor the security of the Nation, that this person should be impeached of less than High-treason. And therefore I move you, that the Articles may be engrossed.

Mr. Speaker,

P. F. Sir, we are not going about to declare any thing Treason, but to offer our Articles, and leave it to the Lords; therefore most of these Arguments would be more proper there; for we only Impeach, they are to be the Judges, whether the matter be Treason or no. It is true, we ought to be cautious what we do in it, because it is not proper that this House should impeach a man for Treason, without having good grounds for it. But is not the *Order about Printing a kind of an act of State, to serve instead of a Law?* Is not the use of Grand-Juries a very essential part of this Government? And is not the *dismissing of them, as this Judge did, a way to render them useless?* Are not his *Warrants to seize Books and Papers Arbitrary?* and doth not all tend to the subversion of the Government? And what better grounds should we have for our proceedings? I think the Articles are well drawn, and ought to be ingrossed as they are.

Mr. Speaker,

Sir R. T. Sir, I cannot admit that Parliaments by Impeachments before the Lords, can make any thing Treason, but only such matters as were Treason by Common-law, before the Statute of *Edward the Third.* And, I think, we ought to be

be so cautious of our Posterities, as not to press for such Presidents, lest you put into the hands of the Lords a Power, for which we may have cause to repent hereafter, but never get back again: For the Lords do not use to part with those Powers they once get. There are Presidents by which it appears, that the Lords have attempted to make declarative Treasons alone, without any Impeachment from the Commons. Have a care how you give them encouragement to proceed therein; better to keep to the other way of making no declarative Treasons but by Bill.

The Articles were read, and Question put.

Resolved, That the said Sir Will. Scroggs be impeached upon the said Articles, and that the said Articles be ingrossed, and carried up to the Lords by my Lord Cavendish.

January 6. 1681.

Col. *Birch* made a Report of the Informations relating to the *Irish-Plot*, and several *Irish* Witnesses were examined. And a Message from the Lords about the *Irish-Plot* read.

Resolved, By the Lords Spiritual and Temporal in Parliament assembled, That they do declare, that they are fully satisfied that there now is, and for divers years last past hath been, a horrid and treasonable Plot contrived and carried on by those of the Popish Religion in Ireland, for Massacring the English, and subverting the Protestant Religion, and the ancient establishd Government of that Kingdom, to which their Lordships desire the concurrence of this House.

Mr. Speaker,

Sir W. *J.* Sir, the Evidence which you have heard at the Bar, and the report which hath been read, as to the Popish-plot in Ireland, is not only a plain discovery of the dangerous and deplorable condition of the Protestants in Ireland, but a great confirmation of what Dr. Oates and the rest of the Witnesses have said as to the Plot here. So that now no man can have any excuse for not believing it, but such as are mislead by others who know it too well, because they are in it. I cannot but observe what a coherence and agreement there is in the carrying on of these two Plots.

Plots. *Fitz-Gerard* tells you, that in 1662. several Officers were sent into *France* to get mony for carrying on of the Plot. And was it not in 1662. that we begun here with the *Toleration*, which gave the first appearance of Popery to the Parliament? In 1672. we broke the *Triple-League*, and entred into a strange correspondence with *France*; then they actually listed and armed a great number of Souldiers, which were first to go into *France*, and then to come back to carry on the Plot. In 75, and 76, all the *Clergy* in *Ireland*, said the Duke of *York* should be King in 78. And *Fitz-Gerrard* deposeth, that he then told the same to several persons, as had since proved it before Sir *John Davis* Secretary of State in *Ireland*. And doth it not appear by the Witnesses here, that they intended about that time to cut off the King? It appears, that they intended to Massacre most of the Protestants, and to conquer others; and that this they hoped to do by assistance expected from *France*, of Men and Arms, as soon as that King should be disengaged of the War he was engaged in with the Confederates. And doth not this agree not only with Dr. *Oates* his Discovery, but *France's* too? And did we not, after we had assisted the *French* with about 12000 men, most *Irish*, and helped them in the carrying on of that War, send Plenipotentiaries to *Nimeguen*, in order to make up a general Peace, that so he might be at leisure about that time that the said party expected his assistance, and that the *Clergy* had told *Fitz-Gerard*, that the Duke should be King? Upon the Discovery of the *English-Plot*, the King, Lords, and Commons, declared it a horrid, damnable, execrable Plot: now upon the discovery

of this *Irish-Plot*, the Lords Spiritual and Temporal have declared the same of it. But to what purpose I know not, unless it be to discover the strength of the Popish party in that, after you know your danger and have declared it in Parliament, yet that their Interest is strong enough to baffle ours, and to prevent all manner of remedies or future security; nay, and to make you eat your own Declarations up again, and be ashamed (if possible) that ever you made such. This hath been the effect of the Declarations so often made in *Parliament as to the English Plot*: And I am afraid, that this *Declaration* that hath been read, is all that will be done for the security of the Protestants in Ireland. For notwithstanding all these Discoveries, which are the greatest that ever were, in a case of so great a Conspiracy, such is their influence and authority, that they have not only saved their own party from being any way weakened, (unless by those few that have been hanged) but have gained a great number of the Protestants to joyn and contribute as much to the carrying on of their design, as they can desire. The truth is, Sir, England can never be destroyed, but by it self; and the Papist: we'll know this must be done by dividing us. If ever there were a Popish Miracle, it is in this, that seeing the Knife is so near our Throats, they should be able so to infatuate us, that instead of making any preparation to prevent them, we court all manner of Divisions & Animosities amongst our selves, and cherish every project of that party that tends to our Ruin, with as much earnestness as if it tended to our safety. But though this Witchcraft of theirs hath had a strange power with people without doors, yet I hope it will never

ver have any operation here to prevent us from doing our endeavours. And therefore seeing by this discovery we find again that all the Plot centers in the D. of York, let us, after we have agreed to what the Lords have sent down, make a Declaration to this purpose: *That the Duke of York's being a Papist, and the expectation which that Party have of his coming such to the Crown, hath given the greatest encouragement to the Popish Plot in Ireland, as well as here.*

Mr. Speaker,

Sir H. C. Sir, as the Irish Plot doth agree with the English Plot in several circumstances before it broke out, so afterwards in the prosecution of it. Were not the Witnesses *infamated* and discouraged, or their Evidence consumed or turn'd into *Ridicule*? and was not the same done here? Were not some of them, to prevent their Evidence, *shipt off*, and never heard of more; and others strangely tormented? and doth not that in some measure answer with the death of Sir *Edmund-bury Godfrey*? Did not Sir *John Davis*, and others in great Offices there, do all that they could to stifle the discovery of the Plot? and have not many of our *Ministers* done the same here? Were there not strange endeavours used to put off the Tryals of such as were accused about the Plot, or to quit them when they came to a Tryal? and have not the same endeavours been used here as to the *Lords* in the Tower, and the Tryal of *Wakeman*, and many others? and after all these Discoveries, what have we done, or what are we doing to secure our selves against this Party? Truly, Sir, I know not of any thing. But on the other hand can tell you, that great things are doing to carry on
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the Plot. I see that in order to discover the mighty power of that Party, two Parliaments have already been dissolved without doing any thing against Popery : and I am afraid, that this will have no better success. And in the intervals of Parliaments, I observe, *That all heads are at work to perswade the people out of all the particulars of the Plot, and allows them only a general notion, that the Papists would bring in their Religion if they could, but withal endeavour to perswade them that it is impossible : That so they need not be afraid of it ; and that the fears and jealousies of Popery are created by ill men, that have a design upon the Government, or Fanaticks that have a design upon the Church, and that all will end in Forty One.* I observe also, that the Witnesses that have come in to discover the Plot, are more and more defamed and discouraged ; and all others in favour of Popery, very much cherisht : And will not such proceedings and such opinions as these, if well infused into the people, be serviceable to that party, not only by dividing thereby the Protestant Interest, but by *securing to themselves this party so mis-led, to give them assistance in the disguise they will assume, until they have conquer'd any party that may oppose them, and be able to stand upon their own bottom ?* And may they not go a great way to mislead a great many credulous persons, especially if Parliaments be kept off, and *the Press and the Pulpit too* (though I hope better) *should be directed that way ?* And as these Opinions will give a great encouragement and strengthening to that party for the carrying on of their Plot, and for all manner of new contrivances, so will the entertainment the Discoverers of the last Plot have met with, secure

cure the Papists of ever having more Discoveries made of what they are transacting. And will not the course that is taken of putting into all Offices either of trust or profit, no persons but such who they find will thus be misled either by their Ambition, because they *see it is the only way to preferment*; or because they have not understanding to see these Designs at a distance, be a great help to them also? I think, Sir, the carrying on of these things thus by such great Authority, after the discovery of such a Plot, and the contrary endeavours of three Parliaments, are great things to encourage the going on of the Plot, after they have first reduced the state of Popery to the same condition it was in before the Plot broke out; that so it may creep on upon us again, as they shall think may be most for their advantage. And although I will not undertake to fathom the depth of Divine Providence, yet I am afraid, if we should grow careless to secure our selves after such supernatural helps, we may therein provoke God Almighty to be angry with us. And because amongst the inventions that are afoot, there is much noise made about the Town of *Forty One*, I cannot but observe, that there is something in the Evidence of the *Irish Plot* that agrees with *Forty One*. *Then there was a great Massacre in Ireland, as now intended: I have some reason to remember, with sorrow and indignation, the miseries of Forty One; but I am afraid the discourse of those times, is in this conjunction made use of to bring on the like miseries again upon us, and not in order to prevent them; because I find that those that talk most of preventing the Effect, carry on the Cause as much as they can; which to me is a contradiction.* I am
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of opinion, that the endeavours that were used before *Forty One*, to possess the people against *Parliaments*, and of the Kings Power to raise Money without *Parliaments*, was the great cause of our Miseries in *Forty One*. And I know no good reason why we should not suspect those who carry on the same designs now (tho with some little Variation) should not endeavour to bring about some Alteration in the Government again as well as those, that shew it in nothing but opposing of Popery; tho the great power that party have in representing matters, have made it to be dangerous to the State. But I see we are like to have little Assistance to prevent the carrying on of these designs in these shapes; they must have their course. I do agree that we may do well to add to this Resolution of the Lords, That the Duke's being a Papist, and their hopes of his coming such to the Crown, hath given the greatest hopes and encouragement to the Popish Plot in Ireland, as well as in this Kingdom. And if the Lords Spiritual and Temporal should agree to it, I hope we may in time do something against Popery: For it would be very hard, if after they have agreed in the Cause, they should deny to joyn with us in the Remedy. And seeing the Bishops have agreed there is a Popish Plot in Ireland, I hope the Clergy will believe there hath been one in England, and consider the danger of a Popish Successor and Popish King, and Preach and Pray against it: And then I shall conclude they are in good earnest against Popery, and that we should soon be able to Vanquish this common Enemy. And then I think it would be the Interest of the Nation to settle matters relating to the Church, not only so as to stand against all Opposers, but to be more beautiful and triumphant than ever.

Mr.

Mr. Speaker,

B. H. Sir, Solomon saith, There is no new thing under the Sun; but whoever will but consider what great Endeavours have been used to stifle these Plots, and how few to prevent the like for the future, or the danger arising from them, must conclude, that the like was never done in such a case before. All the Plots center in the Duke: What is done with him? He is sent into Scotland to make an interest there, that so the Government of that Kingdom with an Army of 22000 Men already settled, and what more may be got, may be as ready at his command as the strength of this Nation is here. A strange way of weakning an Enemy! And doth the Duke's Interest go backward here in his absence? No, all those about the King are of his placing: And tho we think him in Scotland, yet he is here too, as if there were Transubstantiation in the case. I do not understand how the great noise of Forty One that is now made, can tend to the securing us against Popery; but the fear of that (which I am sure I have a great deal of reason to remember) may several ways be used for the bringing in of Popery; and I have the more reason to fear so, because I am informed that the Justice of Peace who hath writ so many Books to fill the Peoples heads with Notions about Forty One, is now fled, because of Evidence given before the Lords, of his being a Papist. I wish we could do something against the common Enemy, whose Power is so great as bids defiance to us; and then I shall be ready to contribute my poor Endeavours as earnestly against Forty One men, if they be not so high as the Moon: for I must confess, as yet I cannot find them out here below. And if

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these Churchmen would but joyn with us in ridding us of Popery, I would also joyn in preventing their fears of Fanaticks. Sir, I think you have a very good Motion made for a good Addition to the Lords Vote, as to the Duke of York's being the cause of the Irish Plot also: I pray let it be added, that so we may see whether the Bishops will do any thing against the Duke or no; for if they should, happily the Clergy may come in time to consider the danger of a Popish Successor, and Popish King, and preach and pray against it, as much as against Fanaticks. If not, and the Doctrine be true which I have often heard, that there is no distinction between the Duke's Interest and Popish Interest, I am afraid we are in a bad condition.

Resolved, That this House doth agree with the Lords in the said Vote, with the addition of these words, That the Duke of York's being a Papist, and the expectation of his coming to the Crown, hath given the greatest countenance and encouragement thereto, as well as to the horrid Popish Plot in this Kingdom of England.

A Motion being made and seconded, for
the impeaching of the Earl of Tyrone.

Resolved, That Rich. Pouré, Earl of Tyrone, in the Kingdom of Ireland, be impeached of High-Treason.

Ordered, That the Lord Dursly go up to the Bar of the Lords, and impeach him of High-Treason in the name of this House, and of all the Commons of England, and do pray that he may be committed to safe custody.

January

January 7. 1681.

*His Majesty's Message, sent on Tuesday last,
was read.*

His Majesty's Gracious Message to the
Commons in Parliament, Jan. 4. 1681.

CHARLES R.

HIS Majesty receiv'd the Address of this House with all the disposition they could wish, to comply with Their reasonable Desires; but upon perusing it, He is sorry to see Their Thoughts so wholly fix'd upon the Bill of Exclusion, as to determine that all other Remedies for the suppressing of Popery will be ineffectual: His Majesty is confirm'd in his Opinion against that Bill by the Judgment of the House of Lords, who rejected it. He therefore thinks there remains nothing more for Him to say in answer to the Address of this House, but to recommend to Them the Consideration of all other Means for the Preservation of the Protestant Religion, in which They have no reason to doubt of His concurrence, whenever they shall be presented to him in a Parliamentary Way; And that They would Consider the present State of the Kingdom, as well as the Condition of Christendom, in such a manner as may enable Him to preserve Tangier, and secure His Alliances abroad, and the Peace and Settlement at home.

Mr. Speaker.

H. B. Sir, his Majesty is pleased to say in his
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Message, That he is confirm'd in his Opinion against the Exclusion-bill, by the Judgment of the House of Lords; and that he is sorry to see that this House hath such an opinion of it, as to conclude all other ways and means insufficient. He is also pleased to say, that we have no reason to doubt his Concurrence in any other means that shall tend to the preservation of the Protestant Religion, when presented him in a Parliamentary Way; which I do not doubt but he will comply with, whenever he shall be pleased to follow the Dictates of his own Judgment. But so long as there are so many persons about him, who have publickly declared for the *Duke's* Interest, we have good reason to doubt, that we shall hardly obtain any thing for the security of the Protestant Religion. We well know how many in the House of Lords came to their Honours, and by whose Interest; and it is not strange, that those that are as Servants, should obey their Master; but it is strange, that those who have prevailed with the King to reject this Bill, if Protestants, should be so unconcern'd in the welfare of the Protestant Religion, as *not to offer what Expedients they have to secure it any other way*; especially seeing the last Parliament as well as this, found it a Task too hard for them. But to reject the Bill which we propose, and to offer no other to serve instead thereof, though they have had *two years time* for consideration, is to me a plain demonstration, that nothing must be had against Popery. That these difficulties should be put upon us, and our Dangers thus prolonged in favour of the *Duke*, after such full Evidence that the Plot centers all in him, and that the original of our Miseries is from him, when the immediate safety of the King and

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and our Lives and Religion is concern'd on the other hand; is a plain discovery of the great Power of the Popish Interest, and of the low ebb of the Protestants; and that it is impossible that any thing can be granted us in favour of the Protestant Religion, as long as those that are so much for the *Dukes* interest, are about the *King*. And therefore seeing we are not like to do any thing by *Bill*, that those that sent us here may see we have done what we can, let us make such *Votes* as may be serviceable to our Country, viz. 1. That the Kings Person nor Protestant Religion, cannot be secured any way, without the Exclusion-Bill. 2. That we can give no Money, without endangering the Kings Person and Protestant Religion, until we have that Bill. And, 3. That being supplies for all publick Money ought to come from this House, there being no other way to supply the King with the love of his People as well as with Money, let us pass a Vote to prevent Anticipations on the Revenue, and other Supplies. And because I believe things are come to a point, and that there are them that have advised the Dissolution of this Parliament, and the Nation can never be happy as long as we have such Councillors, let us, while we may, pass our Censures on such Persons; for only God knows when we shall be permitted to Sit here again.

Mr. Speaker,

R. M. Sir, the truth is, we committed a great Error in the beginning of this Session; when we went about to look into the Popish Plot, we went into the Tower, whereas we should have gone to the Court; for it is plain, that the *Duke's* Friends which are there, do still carry on the Plot against the Protestant Religion, as much as ever the Lord *Bellasis*, *Powis*, or any of those Lords in the Tower

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did,

did And we may reasonably conclude by the little success we have had against Popery this Session, that until we can remove that Interest from about the King, we take pains to no purpose.

Mr. Speaker,

Sir H. C. Sir, I am ready to agree in those Votes that were moved : For it appears plain to me, that we are not like to have any Laws against Popery ; for the truth is, the Popish interest is too strong for us. If there were any intent that we should have the Protestant Religion secured any other way, *it is strange that those who advise the King to oppose our way, should not at the same time prevail with him to propose his.* I am afraid that this Advice proceeds from those that think the King nor Kingdom is not in danger of Popery, because they are of opinion, that Popery cannot hurt the King nor Kingdom ; for otherwise they might plainly see it is like to have a Contest with us ; and that it would be convenient it should be prevented, and be induced thereby to offer some Expedient, if there be any. And as we may conclude our selves an unhappy People upon these accounts, so also in that the House of Lords, after they had spent so much time about Expedients, and found them insufficient, that they should afterwards reject this Bill, without any further care how to preserve the Protestant Religion ; at least, not by sending any thing to this House, tho we have heard from them of Mr. Seymour's Articles, and some trivial matters. And also in that some worthy Members, who have the honour to serve in great places about his Majesty, and have opposed this Bill, seeing this House in this great Dilemma, should not offer to do the Nation and this House that kindness as to oppose them. If there be any such worthy
Member

Member that have any such *Expedient*, I hope he will stand up, and then I will presently set down.

After a little Pause, and no Body offering to stand up,

The truth is, Sir, every day doth more and more discover our danger, and demonstrate, that this of Expedients is put upon us, in hopes that we should have offered at some Bill, of which, advantage might be taken to represent us as Persons not well-affected to the Government; that so, if possible, even the People, as well as the King, might be brought out of love with Parliaments. I do remember, that after the great Endeavours which some Ministers of State have used to bribe the late *Long Parliament*, and had come so near a perfection, as that the Nation was in a manner saved but by two or three Votes, their Dissolution was much admired at; and it was most mens business to cast about to find out the reason of it: Amongst other things, it was concluded, That if the *Popish* interest had any hand in it (as believed) that it was out of hopes, that they should thereby have opportunity to make the King out of love with all Parliaments, and so occasion some difference between him and his People. The little success which the last Parliament had, the improbability of this, and the Stumbling-blocks that are laid for the next, make me afraid, that the *Long Parliament* was dissolved for this reason: I have heard that the *Jesuits* have at this time a great stroke in the management of all the Affairs of *Europe*, and that it is by their advice and assistance, that the King of *France* goeth on so triumphantly, because they design to make him *Universal Monarch*, and that in order thereto,

are true to him, tho false to all the World besides. How far we have contributed already to the King of *France* his Greatness, and how this breaking off Parliaments, and keeping this Nation in this unsettled Condition, may conduce to his taking of *Flanders* and *Holland*, and his other designs, all here may judg: And how it agrees with the Report of the *Jesuits* having the management of all the Affairs of *Europe*: And how this can be prevented without the *Exclusion-Bill*, is a Paradox to me. For I do still conclude, that so long as there is a *Popish Successor*, there will be a *Popish Interest*, and that as long as there is a *Popish Interest* and *Fears* of a *Popish King*, the Nation will be divided, and there will be constant *Fears* and *Jealousies* not only here at home, but with our *Allies* abroad; which will frustrate all Endeavours to oppose the *French* designs, because there can be no confidence between the *King* and his People. And this makes me conclude, we are under great Difficulties; if we give Money, we have reason to fear it may be employed to our Destruction; if we do not, if *Flanders* or *Holland* should be lost, great endeavours will be used to lay it at our doors, tho we have given such hearty Assurances to his Majesty of our readiness to supply him with Money for the support of it. And how we should extricate our selves out of these Difficulties, I know not.

Sir, I have troubled you the longer, and with the more earnestness, because I am doubtful whether I may ever have another opportunity to speak in this place. Things are so out of Order, and such prevalent Endeavours are used to unsettle them more, that I am afraid, not only of our Religion, but of the very Government and being of the Eng-
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lish Nation : For if these things should occasion blood, while the *French* is so powerful, he may easily have the casting voice ; and without that, only God knows what may be the end of such confusions as some men endeavour to occasion. All projects of settling the affairs of this Nation without Parliaments have hitherto proved unsuccessful, and been attended with ill consequences. I have a great deal of reason to be *sensible of the miseries of 41. and therefore am sorry to see such dissolutions of Parliaments without success*. I am afraid there are *Projectors* again afoot that are for altering the Government, as to the use of Parliaments : I judg so by their proceedings, because I am of opinion, that *Popery must destroy the use of Parliaments*, before it can be settled in this Nation. Seeing we are not like to have any Acts pass this Session that may do the Nation any good, I think you have been well moved to do what service you can by your Votes.

Mr. Speaker,

L. H. Sir, it is not only very strange, but, if I be not mistaken, contrary to the *custom of Parliaments*, that after the Lords have passd a Negative upon a *Bill*, that we should still press for it, and declare our selves resolved not to be satisfied without it, though it be well known that the King doth also intend to pass his Negative upon it ; and that it cannot be had this Session, unless his Majesty be pleased to prorogue the House of purpose to give an opportunity to go on with it again, which is very unlikely, if the contents of his Speeches and Messages be considered, seeing the Lords have confirmed him in his opinion of it. And therefore I should think it were much better to follow

his Majesties directions in his Message, and try some other way, which would be a great confirmation of our readiness to obey his Majesty, in following his advice, which, I believe, is the best way to prevent any further disagreement, that so this Parliament may have a happy conclusion.

Mr. Speaker,

Ld. C. Sir, I am fully perswaded, that we cannot be secure neither of our Religion nor Peace and Quietness, without this *Bill*; yet seeing we are not like to have it at this time, I am for going on with those other Bills that are afoot, that we may try if we can get them. Seeing we cannot do all the good we would, let us endeavour to do all the good we can. But I am ready to agree in the Vote that was proposed, That it is the opinion of this House, that neither the Kings person nor Protestant Religion can be secured any other way; provided it be not intended to bind the House from trying what may be done by other Laws, lest advantage should be taken thereof to break this Parliament, which I tremble to think of, because it will be attended with a great ruin to our affairs both abroad and at home.

Mr. Speaker,

Sir R. M. Sir, being the house is inclinable to hear of *Expedients*, I will crave leave to offer you one. In case the *Duke* should outlive the *King*, I think if by an Act of Parliament the Prince of *Orange* were appointed to administer the Government jointly with him, with such powers and limitations as might be thought convenient upon a serious Debate, it might give great satisfaction, and probably secure the Protestant Religion.

Mr.

Mr. Speaker,

Sir W. J. Sir, you have had several Propositions made you, and the way to come to some speedy resolution, is not to debate too many together, but to keep close to that to which most have spoken ; which, if I be not mistaken, is that which relates to the *Duke's Bill*, which some have opposed, because of the difficulties arising from the *Bill*, and would rather have you go into a Committee and treat of Expedients. But I think it below the gravity of the House to be put out of their method, unless some Expedients were proposed. But notwithstanding all the provocations that have been given, we cannot hear of any Expedients, only one which hardly deserves any further consideration in a Committee ; because *Crowned Heads* nor *Lovers*, do not willingly allow of Rivals, but will be uneasy until they be rid of them. And I am afraid all other Expedients will be liable to as strong Objections ; and that therefore it is that they are not proposed, though they have been so often discoursed of. If any person would offer any that had any appearance of giving satisfaction, I should be ready to give my voice for going into a Committee to debate them. But I know not why the House should lose that time, without some Expedient be first offered. If there could be any *Expedient found out, which were likely, really, and effectually to prejudice the Duke's Interest, why should not the same Argument arise against them as against the Exclusion-Bill ?* Why would not any such Bill be also against natural Justice, the Oath of Allegiance, a severe Condemnation, and not good in Law, but liable to occasion a civil War ? For I am apt to think this great contest is not all a-

bout an empty Name ; and if not, then the same Arguments will hold against any other Bill that will be sufficient to keep him from the Government, if some such *Bill* or *Bills* could be contrived, as against the Bill of Exclusion ; But the truth is, there can be no other Bill that can serve us in this case, because all other *Bills* will leave us in that miserable condition of *opposing our lawful King*, and all opposition in such a case would be liable to be construed a *Rebellion*. All other Bills in this case would be no more for the security of our Religion, than a great many Leases, Releases, and other Writings, are in many cases of Estates, without Fines and Recoveries. However, I am against the Vote that was proposed, That the *Duke's being a Papist hath rendred him incapable of the Crown*; for that were to take on us a *Legislative power*; but let your Question be, that it is the opinion of this House, that the *Kings Person*, nor *Protestant Religion*, cannot be secure without that Bill. That so the proceedings of the House may be justified in demanding that *Bill* hereafter, though we should in the mean time go on with any other Bills.

Mr. Speaker,

D. F. Sir, I shall not trouble you with any Argument, whether the Protestant Religion can be preserved under a Popish King; or whether an *Act of Exclusion* will be a good Act or no, or whether the *Exclusion-bill* alone, if it should be granted, would be sufficient, or what others we should need; but the Question is at present, Whether, seeing we cannot have this Bill, we shall not aim at something else, that so, if possible, we may prevent the breaking up of this Parliament, without any effect, as to the great things they were summoned

moned for, on which I cannot reflect without being much concerned ; and I am afraid , that it will be the consequence of persisting for this *Bill*. I cannot be perswaded, notwithstanding all that hath been said, but that there are other Bills that may attain our end, or at least do us some good. And we have no certain demonstration that this *Bill*, if we should obtain it, will infallibly do what is desired. The Acts made in Queen *Elizabeth's* days, did not suppress that party totally : though the Queen of *Scots* was cut off, yet that interest continued, and even to this day remains, and so it may probably though we should get this *Bill* ; and therefore why should we stand so much in our own light, as not to take what we can get. The Bill of Banishment may be of great use, and some Bills to limit the power of such a Prince, by putting the power into Parliaments and Privy-councillors ; why should we lose all by being so eager for that we are never like to get ? And therefore, I humbly conceive we may do better to go on with such other Bills as may be thought convenient, and not struggle nor persist for the obtaining of this.

Mr. Speaker,

J. B. Sir, I am not for adventuring my life upon Rhetorick, which is all I can find there is in the discourses that are made for Expedients. We all know, that a little thing altered the Government in *France*, and reduced the people of that Kingdom to Slavery : Pray let us have a care that, for want of a little short Act, we be not reduced to Slavery and Popery too. Will not all the Expedients that have been talked of, or can be imagined, leave us to *contest* with our *lawful Prince* ; and
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that assistance which he is well assured of, not only from the Papists here, but in *Ireland*, and from *France*, and *Scotland*, I am afraid enough to make it a measuring cast. And is the Protestant Interest so low, that tho our dangers be so great, that instead of a *Sword* to defend our selves, we must be content with a *Sheath*? I am not for cheating those that sent me here. I think it much more for the Interest of the Nation, that we should have no Laws, than such as will but *trepan* us, by failing us like rotten Crutches when we have occasion to depend on them. I had rather lose my Life and my Religion, because I were not able to defend it, than be fool'd out of it by depending on such Laws. I take it for granted, that seeing the Exclusion-Bill is thought too much for us, and such great endeavours are used to preserve the strength and interest of that Party, that we *must either submit, or defend our Religion by a sharp contest*, and therefore I hope we shall not depend on Laws that will tend to weaken us. I am confident, that if some Ministers of State did not stand as Clouds between the King and us, we should have redress. For how can it consist with his goodness or *Coronation-Oath*, that for the interest of *one man*, the Bodies and Souls of the rest of his Subjects should be in such danger of perishing, as they are in case of his Death, if a *Popish King* should succeed, and such *Popish Councillors, Judges, Justices, and Bishops* too, as we had in *Queen Mary's* days? For it cannot be doubted, but that *those that will be so Loyal as to bring him in*, will be so Loyal, as it will be called, *to obey him in all things which may be for his interest*. And the same Argument which *Queen Mary* used, will supply the defect of all
Laws,

Laws, That the Execution of all Ecclesiastical Laws may be suspended by force, but could never be repealed by the power of Parliaments ; and therefore commanded, that notwithstanding all Laws to the contrary, they should be executed as in the beginning of her Father's Reign. The great endeavours that are used to *ridicule the Plot, arraign Parliaments,* and *divide the Protestant Interest,* is a full confirmation to me, that the Plot goeth on as much as ever. And how can it be otherways, unless we can get the King of our side, *that so he may be more for us than he is for the Duke,* without which, it is impossible that the Protestant Interest can stand long ? In order to do something, I am ready to agree in the Votes that have been made.

Mr. Speaker,

G. V. Sir, it is clear to me, that all Expedients without this Bill, cannot signify any thing for our defence against Popery. All our difficulty will be, to satisfy his Majesty, that nothing else can save his people from the Popish Bondage. And if we could do that, I do not doubt but he will rather pass the Bill, than let Three Nations perish. The King doth now rely on the judgment of the Lords in the matter, yet happily will find upon an Information, that he hath no good ground so to do. For, I believe, *if he would ask the Lords why they were of that opinion, many of them would tell him, because he was of that opinion, and because they were awed by his presence.* And seeing the Lords are changed from the time of the throwing out of that Bill, from 33 to 55 ; so they may probably change more against the Bill comes to them again. And I am confident will do so when they have consulted their Interest, and have found that all other ways

to secure the Protestant Religion, are either impossible or impracticable. At least, I am confident they will not throw it out again, without a Conference. And it is my opinion, there wants nothing but a Conference to have an agreement with the Lords; in the mean time, that they may have occasion to consider better of it, let us by a Vote declare our resolution to stick to the Bill.

Mr. Speaker,

Sir *W. P.* Sir, by the Debate which you have had about *Expedients*, it plainly appears, that the Popish Interest is so well fixt, that we are not like to obtain any thing against it, that will do us any good. And it is not strange, that it should meet with great opposition. For we may reasonably conclude, that those who had the power to instill those principles into the Royal Family, have not been negligent to improve their Interest, to secure those advantages they have long hop'd for, and expected, from such a Proselite. And therefore those Arguments which some worthy Members have used, as to the improbability that ever a *Popish* King should attempt to change our Religion, as not consisting with his Interest, are to me very preposterous, and a great demonstration of the influence of that party, in being able to broach such Opinions as are so useful to bring in that Religion. For my part, I am of a different judgment, and do believe, that a *Popish Head* on a *Protestant Body*, would be such a *Monster in nature*, as would neither be fit to preserve, or be preserved; and that therefore it would as naturally follow, as night follows day, that either the Head would change the Body, or the Body the Head. Have we not already had sufficient experience, what a miserable thing it is for a King
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to be jealous of his people, or the people of their Prince. Can it be imagined that there can be a *Popish King* in this Nation, without occasioning a constant noise of Plots and Popery, and that such reports grounded on the *King's* inclinations, will not occasion such a fermentation in the people, as will end in misery? Or if it should prove otherways, that by such arts as may probably then be set on foot, the people should be lulled into a security? *Can we think that the Papists who have been so many ages at work for the opportunity, should not take advantage of that security to fetter us with their Popish Bondage?* We may as well think that they will all then turn Protestants, or be true to the Protestant Interest. No, Sir, their great design of having a *Popish Successor*, was in order to bring in *Popery*. And we may conclude, they will heartily and earnestly pursue it, when ever they shall have a *Popish King*. And therefore I think it will never become the prudence of this House to desist from endeavouring to get the *Exclusion Bill*, which is the only remedy that can be in this case, that we may have a right to defend our selves and our Religion against a *Popish Successor*, without which this Nation will be in time ruin'd. And therefore I humbly move you, that we pass those Votes that have been propos'd.

Mr: Speaker,

Sir *F.W.* Sir, I have considered this Message with that duty and respect I ought; it doth so agree with all others which His Majesty has been pleased to send to this Parliament, that I do believe that all proceed from the same Council, and that our endeavours to prevail with his Majesty in that particular of changing Councils, hath hitherto had no effect.

effect. The King is pleased to say, that he is confirmed in his opinion as to the Bill by the House of Lords having rejected it; I admire how the King should know it in a *Parliamentary* way, so as to intimate so much to this House. Probably he might be present, as he hath generally been, ever since my Lord Clifford had so great a share in the management of the affairs of this Kingdom. And how things have gone there since, we all know. I do not doubt but his Majesty takes that unparralleld trouble of attending there daily, chiefly for the good of the Protestant Religion; but I cannot but observe that it hath had little success. *For things however have gone with so much difficulty against the Popish party, that it may be a question whether his Royal presence, or the influence of a Popish Successor were strongest.* The Bill for Papists taking the Test, though accompanied with a great sum of Money, past with much difficulty, and so that for excluding the Lords, and not without an exception as to his *Royal Highness*: And therefore we have no great reason to admire that this about the succession should be thrown out: And how can we expect it should be otherwise, as long as so many which set there, are in the possession of great places by the Duke's means, and so many others which would come into great places, but cannot be had but by his means? And how all this together makes an Interest, may easily be imagined. Sir, I do not mention these things without regret; for I know my distance, and have a great veneration for the Nobility of this Land; and I know the Lords have their freedom of Voting, and that there are many sit in the Lords House, who have all the qualifications necessary for that great Station. But to see

a Bill of this importance treated so contrary to the usual course of Parliaments, it is necessary that we should a little consider what may be the cause, in order to regulate our proceedings for future: For if nothing must go in that House against the *Duke*, I think the Protestant Religion is like to have little security from Acts. If the *Duke* had ever consulted the Books writ by his *Grandfather* or *Father*, or their Declarations in matters of Religion, he would never have brought these difficulties upon his King and Country. It is strange he should aim to get Heaven, by proceedings so contrary to what his Father attested with his blood. But though he have neglected to consult his interest, I hope we shall not neglect to consult ours in pursuing this *Bill*, seeing there is no other Remedy: Though I am afraid it is a great work, and may break many Parliaments, because it is so like to destroy all the Papists hopes of establishing their Religion. However, I will not fear but God granting the King life, it may be obtained at last; unless the project now afoot, of representing Parliaments as dangerous and useless, should prevent the meeting of any more: For even the old band of Pensioners could slip their Collars, when Popery came bare-faced before them. It is not to be admired, that seeing the Jesuits have been a hundred years at work to rivet their interest, by getting a Prince of their Religion, they should struggle hard to preserve it, that so they may have those blessed effects they expect from it, which the Succession bill only can prevent. But it is strange, that after such discoveries of the Plot here, and in Ireland, and the certainty of our irrecoverable danger upon the Kings death, that so many Protestants should be deluded by that party, and rather be led by

by artificial falshoods to their own destruction, than by naked truth to joyn in that which only can save them. For Protestants to *ridicule* the Plot, and disparage the Witnesses, though their Evidence is so confirm'd, that a man may as well believe that Bread may be made Flesh by Transubstantiation, as that the danger of our Religion is not true; is as strange, as to believe, that let the Papists carry on what Plots they will for future, there will be evermore any Discoveries made; But if there should, I am sure the Witnesses will deserve the censure of being mad (as was past on him that owned the burning of *London*) considering how those have been rewarded. It is plain to me, that as the King was under great difficulties arising from the Solicitations and Advices of private *Cabals*, when he put out his Declaration in *April* 1679. that so he is now, and that will never be otherwise, until he take up the same resolution again of following the advice of his Privy-Council, and great Council the Parliament: Till when, I expect no alteration in our affairs. The *King* being a Protestant, must be for the Protestant interest; the *Duke* being a Papist, as much for the *Papist* interest. How can it be imagined, that there can be any Union in our Councils, as long as the interest of the Councillors are so opposite? or that any thing should pass in favour of the Protestant Religion, as long as the major part are for the *Duke's* interest? Such a contradiction hath for many years had strange effects already, and must have worse, until all the Kings Council be such as can be free to joyn in settling the affairs of the Nation upon the old Protestant foundation; which will never be, until we have this Exclusion-bill. And therefore I think
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you are well moved to signifie so much by a Vote. And I am glad to see so many Lords Sons joyn therein : for I hope it may be a means to get a fair understanding with the House of Lords either now or hereafter.

Mr. Speaker,

Sir L. J. Sir, I have hearkned with great attention to the Debates you have had about this matter; and it is plain to me, that there can be no such thing as Demonstration in this case, because this Exclusion-Act, if obtained, may be liable to many Objections, and probably not secure us. Why then should we be so bent upon it, seeing the great difficulties of obtaining it are so visible? For my part, I think if it should pass, it would be void of it self, and be of no force at all: for which reason, and because we are not like to get it, it is strange to me that no Arguments will prevail to aim at some other thing, that so we may get something; which must be better than to have this Parliament be broken for want of our taking what we may get. For supposing the worst, that we should not get any thing that should be sufficient to prevent the *Duke's* coming to the Crown, yet we may get such Laws as may be sufficient to secure our Religion, though he should come to it. And would it not be much better to spend our time in making Laws which may tend to that purpose, which we have reason to believe will be granted, than to spend our time in pursuing that we are not like to get? Some good Laws added to what we have, and the number of people which we have in this Nation, Protestants, would in my opinion be an impregnable fence against Popery. And it is no such strange thing to have a *Prince* of one Religion,

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and People of another. The late Duke of *Hanover* was a *Papist*, yet lived in peace with his People, though *Lutherans*. The King of *France*, notwithstanding his Greatness, permits a great proportion of his people to be *Hugonots*, and lives in peace with them. And seeing there is a great probability that we may do so too, and that we may have what Laws we will to secure our Religion to us in such a case, why should we engage our selves farther for the getting of an Act which the King and Lords have both declared against, and will never be consented to by the King, as we may reasonably believe, because he hath often declared, that he thinks it an unlawful Act, and that it is against his Conscience.

Mr. Speaker,

S. T. Sir, the great Character this Honourable Member bears, the great Employments he hath been in under his Majesty abroad, as well as his Education in the Laws of this Nation, do justly challenge that what he saith should be well weighed and considered before any man should offer to contradict it. He is pleased to say, that this Act would be unlawful and invalid, if it should be obtained: And therefore, because we are not like to obtain it, and because the Duke of *Hanover*, tho' a *Papist*, lived in peace with *Lutherans*, and the King of *France* with *Hugonots*, that we had better spend our time in contriving Laws for the security of our Religion, if a *Papist* should come to the Crown, which we may get; and not in contriving Laws to keep him from the Crown, which we are not like to have. If this be not in plain English the sense of his Discourse, I am willing to be corrected. But, Sir, if it be, I do admire upon what

what foundation the first Arguments is grounded ; I mean, those relating to the unlawfulness and invalidity of the Exclusion bill. Was there ever any Government in this World, that had not an unlimited Power lodg'd somewhere? or can it be possible that any Government should stand, without such a Power? And why such a Power should not be allowed here, which is so essential for the support of the Government, I think can only be in order (if I may say it without reflection) to have this Government fall ; and I am afraid even at this time, by this very business we are now debating. For it must be the consequence of denying that the Legislative Power of the Nation, King, Lords, and Commons, are not able to make Laws to prevent it. But as this Opinion is strange, so are the Politicks drawn from the Duke of *Hanover*, and King of *France*, to induce us to be willing to have a *Popish King* come to reign over us ; when neither of the said Examples came home to our case : but if they should, why must we be so willing to have a *Popish King* come to govern us, as that we should be rather led by Examples fetch'd so far from abroad, than by the miserable Examples we had here in Queen *Mary's* days ; and by the undeniable Arguments and Reasons that have been offered to make out, that a *Popish King* will endeavour to bring in a *Popish Religion* ? And notwithstanding the Example brought from *France*, I am afraid the *French King* is bound to assist the *Duke's* Interest therein ; or otherwise it may be said of us, what the Devil could not say of Job, That we have serv'd him for nought, contrary to the true Interest of England, these many years. But by these Arguments, and all the King's Speeches and Messages, I

plainly see, that this Honourable Member is in the right in one thing ; That we struggle in vain to get any Act that shall signifie any thing to prevent the *Duke's* coming to the Crown : but that if you will aim at Laws to secure your Religion after his coming to the Crown, you may probably obtain them. If this be not plainly said, I think it is plainly inferr'd ; for are not all his Majesty's Speeches and Messages with an absolute prohibition as to any thing against the Succession ? and I suppose will be as much understood against your *Association* bill, or any other that tends to that purpose : And you may be sure, that when you come with any such, if so contrived as to signifie any thing, that the same opposition shall be made to them as to the Exclusion-bill. For it is plain to me, that the King's offering to concur in any Laws you shall propose for the securing of your Religion, compared with the *other Limitations*, can only be so understood ; which is a *fair denial of all Laws against Popery*, at least those that advise it, I believe do so intend it : For all Laws against Popery, if once you have a *Popish King*, will signifie nothing ; the strongest that can be made, would easily be defeated, so as to be of no use to us. Suppose we should propose a Law to put a great Power in Parliaments, I mean, in both Houses, that so we may have the Lords Spiritual, and *Jure Divino* of our side ; yet it is to me very plain, that a *Popish King* would be able either to prevent the meeting of such Parliaments, or by awing or influencing them when met, or by setting up a stronger Power than the Parliament, or a better *Jure Divino*, by means of the *Popish Clergy*, than ours, easily make all such Acts signifie nothing. I have heard, that a wise
King

King hath oftentimes made wise Councillors, and that wise Councillors sometimes make wise Kings; but it must be when their interest may bind them to take their advice; which in this case would happen otherwise: for the Parliaments in such a case, must have some such Power reposed in them as would render them suspicious of being Competitors for the Sovereignty; and that would make the Prince justly jealous of them, and soon end in such a breach as would endanger the Government. Or to prevent this, the power must be settled so strong in the Parliament, as to over-balance the Kings; which ought not to be, because it would endanger Monarchy. If a man were desperately Sick of some Disease only curable by one Remedy, and that should be denied him, What should he do, but send for his *Confessor*, and prepare for Death? And so I think must we. And yet I cannot admire at this Message of his Majesties, but rather considering whose advice he takes, should have admired if he had sent any other. I hope we shall be as wise as the *Frogs*, who when *Jupiter* gave them a *Stork* for their King, did not appear well pleased therewith; to accept of Expedients to secure the Protestant Religion, after such a King hath mounted the Throne, would be as strange as if there were a *Lion* in the *Lobby*, and we should vote, That we would rather secure our selves by letting him in and chaining him, than by keeping him out. This Nation hath formerly had some repute for wisdom and prudence, and have done much, as well in making of good Laws, as in keeping them. Pray, Sir, let us not at one Blow, or by one Omission, destroy all those Laws which our Forefathers obtained with so much industry: I hope the King

will in time see who are his best Counsellors, we that aim at the *Preservation of the present Government in Church and State, or those private Cabals which aim at Alterations*; and that he will hearken to us ere long: That so he may live with more content and Glory, and his People, without such Fears and Jealousies as now disturb them. Which cannot be, without the *Exclusion-Bill*; and therefore I agree in the Votes that have been moved.

Mr. Speaker,

L. G. Sir, I cannot but observe, that most of the Arguments used against this Bill, are the same which *Coleman* made the grounds of his Declaration, that so, if possible, he might have prepossessed the People against the fear of Popery or Popish Successor. *First*, he saith, That the pretences which that Parliament made of the Protestant Religion being in danger of Popery, was without cause, because there was no disturbance given by any of that Community. *Secondly*, That the Parliaments bold Endeavours to have restrained the Succession of the Crown to certain Qualifications, would have made the Crown Elective. *Thirdly*, That therein they would have out-done the Popish Doctrine, that Heresy incapacitate Kings to reign, which was a new way of securing Religion by destroying it. *Fourthly*, That the good Church of England had taught their People to be obedient to their Prince, let his Religion or Deportment be what it will. Also I find, that the same Endeavours which are now used to foment Fears and Jealousies in the People, as to *Forty One*, the danger of the Church and Government, and of Parliaments, are but copied out of that Declaration. He there declares, That the Parliament was dissolved because they

they had designs to blemish the good Protestant Church, and to prevent the sowing mischievous Tares in the wholesome Field of the Church of *England*, and to preserve the unspotted Spouse of our blessed Saviour from the ill effect of some designs that were like to be introduced by Parliament. I will not make any Annotations upon this which I have repeated, but by it I conclude, that the Papists are very willing we should imbibe these Opinions, and that therefore they may probably conduce to the carrying on of their designs. *I could wish his Majesty would order that Declaration to be read in Churches once a year, that so all the People, but especially the Clergy, may know what excellent pretences the Papists can make of taking care of the Protestant Church, and how vigilant they are for that end, especially to prevent that it may not be injured by the Parliament, nor by altering the Succession.* The Declaration is to be a great Confirmation of what hath been said of the influence of that party in the management of Affairs; for it is not likely that *Coleman* would have drawn it, but that he knew how to have juggled it into the Council, as if it had been drawn by some good Protestant, that so it might have been made publick, if that Parliament had been then dissolved.

But, Sir, tho by God's Providence we have had all these Discoveries, yet I see no probability of obtaining any security against this party. I am of Opinion with that worthy Member that spoke last, that the King's Speeches and Messages, are plain against making of any Laws to prevent the *Duke's* coming to the Crown, and can only be understood in favour of Laws that may tend to securing the Protestant Religion under a *Papish*

King: Which, I think,, none can do, unless such Laws as will endanger Monarchy it self; which will not be fit for this House to propose, or the King to grant. For without securing the *Militia*, and Commands of Fleets and Armies, the nomination of Privy-Councillors, great Officers of State, Judges, Justices, Sheriffs, as well as the nomination of *Bishops*, and preferments of the Clergy, in the power of some Society of men, it will be impossible to secure our Religion against that omnipotency which accompanies a Crown, if the Prince that wears it be resolved to assist this powerful Faction. Therefore, Sir, we must either give up our Religion as lost, or obtain this Bill in order to it. I am for the Vote that hath been proposed.

Mr. Speaker,

Sir R. H. Sir, it is impossible we should remove the imminent dangers imperdient on this Nation, unless we can prevail with the King to forbear taking advice with private *Cabals*, but instead thereof to be advised by his Privy Council, and Parliaments. This indeed is the great dispute that is now afoot; and unless we can prevail herein, all that we are about signifies nothing. And therefore, I think, we may do well to be plain in this with the King; and as we must not be afraid of giving him such advice as is for his advantage, so neither of giving him assurances of our readiness to supply him with Money, and what else he may need, that so he may know we are as willing to trust him, as we are desirous he would be to trust us. For unless there be a mutual Confidence created between the King and his People, that so they may freely, heartily, and without any suspicion

tion trust one the other, it is impossible that this Nation can ever be happy, but must either languish, as if it were in a Consumption, or strike into a Fever. The King being a Protestant, and for the Protestant Religion; the Duke being a Papist, and for the Popish Religion, are Interests irreconcilable, and have already given a great deal of care and trouble to the King. And, I am afraid, that those who promote the Duke's Interest, are more for the advantage of a Popish Successor than of the present Protestant King. Which mischiefs can never be removed as long as there is such a Successor. And therefore I am for the Votes that have been proposed.

Resolved, That it is the Opinion of this House, that there is no security nor safety for the Protestant Religion, the King's Life, or Government of this Nation, without passing a Bill for disabling James Duke of York to inherit the Imperial Crown of this Realm, and Dominions and Territories thereunto belonging; and to rely upon any other means and remedies without such a Bill, is not only insufficient, but dangerous.

Resolved, That his Majesty in his last Message, having assured this House of his readiness to concur in all other means for the preservation of the Protestant Religion, this House doth declare, That until a Bill be likewise pass'd for excluding the Duke of York, this House cannot give any supply to his Majesty without danger to his Majesty's Person, extrem hazard of the Protestant Religion, and unfaithfulness to those by whom this House is entrusted.

After

After this, several persons being named for giving ill advice to his Majesty, and Motions seconded with Arguments, that Addressees might be made, grounded on Common Fame, for their removal. The House entred into a long Debate, touching the meaning of Common Fame, the usage, custome, and consequences of such Addressees in reference to the Government; and it did appear, that it was an ancient Right and constant Practice of the Commons assembled in Parliament, to make Addressees to the King, grounded on Common Fame, or moral certainty, for removal of such Councillors or Officers, as they thought were pernicious to the Government. And that it was the only way to reach great Ministers of State that gave evil counsel, and to secure the Government against the dangers arising from such, who would otherways, by giving advice to the King in private, be secure against all manner of proceedings against them, and so the Government might be ruin'd without any remedy; that there was now as great occasion, as ever in former times, of making use of this only remedy, the influence of Popish Councils having reduced the Nation, not only to the mercy of the Popish party at home, but of a Foreign Nation; the dangers whereof could never be prevented, but by establishing such a mutual confidence between the King and his People, as might give encouragement for the raising of a considerable sum of money to be employed for that end; which was never like to be done, until there were about the King's person, and in places of trust and power, persons more inclined to the interest of the King and Protestant Religion, and less to that of the Duke and Popery.

Because

Because the same jealousies which this Parliament had, (unless the cause were removed) would probably be also an impediment with the next; that there could be no security; it would be employed for that end, as long as the Duke's party were so powerful: And that the giving of money as long as things stand thus, would be a great encouragement to that party to go on with their Plot against the King's life. But this Debate being after Candle-light, could not be taken: The result was, that several *Addresses were voted against George Earl of Halifax, Laurence Hyde, Esq; Henry Marquess of Worcester, Henry Earl of Clarendon, and Lewis Earl of Feversham.*

After which, the House entred into a Debate: of the great Charge the Kingdom was at, by Interest and Advance-money paid to Goldsmiths and others. And after many Arguments, making out that by Parliaments the King might be supplied, as well with the love of his People, as with Money for the necessary support of the Government, and other occasions. And that this Parliament had by several *Addresses* offered themselves ready to do it, upon passing such Bills as were precisely necessary for the security of the Protestant Religion; and that all other ways of supplying the King's occasions, but what were granted in Parliament, did not only tend to the keeping off Parliaments, and to the exhausting of the publick Treasure, by contracting Debts, but were of dangerous consequence to the King and Kingdom, because the Government might be undermined thereby.

Resolved,

Resolved, That whoever shall hereafter lend, or cause to be lent, by way of Advance, any Money upon the Branches of the King's Revenue arising by Custom, Excise, or Hearth-money, shall be judged a hinderer of the sitting of Parliaments, and be responsible for the same in Parliament.

Resolved, That whosoever shall accept, or buy any Tally or Anticipation, upon any part of the King's Revenue; or whoever shall pay such Tally hereafter to be struck, shall be adjudged to hinder the sitting of Parliaments, and be responsible therefore in Parliament.

Prorogued the 10th of January, and Dissolved by Proclamation the 18th of January, 1681.

A
L I S T
 OF THE
House of COMMONS,

Which sate at *Westminster* from the 21st of
October, 1680. to the 10th of *January*
 following.

Bedfordshire, 4.

William Lord *Russel*.
 Sir *Humphrey Monoux* Bar.
 Town of *Bedford*.
Pawlet St. John Esq;
 Sir *William Franklin* Kt.

Berks, 9.

William Barker Esq;
Richard Southbey Esq;
 Borough of *New Windsor*.
Richard Winwood Esq;
Samuel Starkey Esq;
 Borough of *Reading*.
John Blagrave Esq;
Nathan.

Nathan. Knight Esq;
Borough of Wallingford.
William Lenthal Esq;
Scorie Barker Esq;
Borough of Abington.
Sir John Stonehouse Bar.

Bucks, 14.

Thomas Wharton Esq;
John Hampden Esq;
Town of Buckingham.
Sir Richard Temple Knight of the Bath
and Bar.
Edward Lord Latimer.
Borough of Chipping-Wiccomb.
Sir John Borlase Bar.
Thomas Lews Esq;
Borough of Alysbury.
Sir Thomas Lee Bar.
Sir Richard Ingoldesby Kt. of the Bath.
Borough of Agmondesham.
Sir Roger Hill Kt.
Sir William Drake Kt.
Borough of Wendover.
Richard Hampden Esq;
Edward Backwel Esq;
Borough of great Marlow.
John Borlace Esq;
Thomas Hobby Esq;

Cambridge, 6.

Sir Levinus Bennet Bar.
Sir Robert Cotton Kt.

Univer-

University of Cambridge.

Sir Thomas Exton Kt.

Sir William Temple Bar.

Town of Cambridge.

William Lord Allington.

Sir Thomas Chicheley Kt.

Chester, 4.

Henry Booth Esq;

Sir Robert Cotton Kt. Bar.

City of Chester.

William Williams Esq;

Sir Thomas Grosvenor Bar.

Cornwal, 44.

Francis Roberts Esq;

Sir Richard Edgcomb Kt. of the Bath.

Borough of Dunhirvid,
alias Lanceskon.

Sir John Coryton Bar.

Sir Hugh Pyper Kt.

Borough of Leskard.

Sir Jonathan Trelawney Bar.

John Buller Esq;

Borough of Lefswitbiel.

Sir John Carew Bar.

Walter Kendall Esq;

Borough of Truro.

William Boscawen Esq;

Edward Boscowen Esq;

Borough of Bodmin.

Hendar Roberts Esq;

Nicholas Glynn Esq;

Borough of *Helfton.*

Sir Viel Vivian Bar.

Sidney Godolphin Esq;

Borough of *Saltaſh.*

Sir John Darvie Bar.

William Jennings Esq;

Borough of *Camelford.*

Robert Ruſſel Esq;

Sir James Smyth Kt.

Borough of *Port-Pigbam.*

alias Weſtow.

John Trelawney Esq;

John Trelawney Esq;

Borough of *Crampound.*

Nicholas Herle Esq;

John Tanner Esq;

Borough of *Eastlow.*

Sir Jonathan Trelawney Bar.

Henry Seymour of Langley Esq;

Borough of *Penryn.*

Charles Smith Esq;

*Sir Nicholas Slanning Knight of the Bath,
and Bar.*

Borough of *Tregony.*

Hugh Boſcawen Esq;

Charles Trewannian Esq;

Borough of *Boſſiney.*

Charles Bodvile Roberts Esq;

Narciſſus Luttrell Esq;

Borough of *St. Ives.*

Edw. Noſeworthy Senior, Esq;

Edw. Noſeworthy Junior, Esq;

Borough of *Foway.*

Jonathan Raſhleigh Esq;

John Trefry Esq;

Borough of *St. Germans.*

Daniel Elliot Esq;

Richard Elliot Esq;

Borough of *St. Michel.*

Sir John St. Aubin Bar.

Walter Vincent Esq;

Borough of *Newport.*

William Coryton Esq;

Ambrose Manaton Esq;

Borough of *St. Marwes.*

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Borough of *Killington.*

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William Treviza Esq;

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Edward Lord Morpeth

Sir John Lowther

City of Carlisle.

Sir Philip Howard Kt.

Sir Christopher Musgrave Kt.

Borough of Cokermouth.

Sir Richard Grahme Bar.

Orelando Gee Esq;

Derby 4.

William Lord Cavendish

William Sacheverell Esq;

Town of Derby.

Anchitel Gray Esq;

George Vernon Esq;

Devonshire 26.

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City of Exeter.

*William Glyde Esq;**Malachy Pine Esq;*

Borough of Totnes.

*Sir Edward Seymour Bar.**Edward Seymour Esq;*

Borough of Plymouth.

* *Sir John Maynard Kt. his Majesties
Serjeant at Law.**Sir William Jones Kt.*

Town of Okehampton.

*Sir Arthur Harris Bar.**Josias Calmady Esq;*

Borough of Barnstable.

*John Bassett Esq;**Richard Lee Esq;*

Borough of Plympton.

*George Treby Esq;**John Polexfen Merchant.*

Borough of Honiton.

*Sir Walter Young Bar.**Sir Thomas Puit Bar.*

Borough of Tavistock.

*Edward Russell Esq;**Sir Francis Drake Bar.*

Borough of Ashburton.

*Thomas Reynell Esq;**Richard Duke Junior, Esq;*

Borough of Clifton, Dartmouth, & Hardness.

*John Upton Esq;**Edward Yard Esq;*

Bo-

Borough of *Beralston*.Sir *John Trevor* Kt.Sir *William Bastard* Kt.Borough of *Triverton*.*Samuel Foot* Esq;Sir *Henry Ford* Kt.**Dorsetshire 20.***Thomas Strangeways* Esq;*Thomas Freke* Esq;Town of *Pool*.*Henry Trenchard* Esq;*Thomas Chafin* Esq;Borough of *Dorchester*.*James Gould* Esq;*Nicholas Gould* Merchant.Borough of *Lyme-Regis*.*Henry Henley* Esq;*Thomas Moore* Esq;Borough of *Weymouth*.Sir *John Coventry* Kt. of the *Bath*.Sir *John Morton* Kt. and Bar.*Melcom-Regis*.*Thomas Brown* Esq;*Michael Harvey* Esq;Borough of *Bridport*.Sir *Robert Henley* Bar.*William Bragge* Esq;Borough of *Shafton*,
alias *Shaftsbury*.Sir *Natthew Andrews* Kt.*Thomas Bennet* Esq;

Borough of *Wareham*.

Thomas Erle Esq;

George Savage Esq;

Borough of *Corf-Castle*.

Nathaniel Bond Esq;

Sir Nathan Naper Kt. and Bar.

Durham 4.

William Bowes Esq;

Thomas Fetherston Hough Esq;

City of *Durham*,

Sir Richard Lloyd

William Blakeston Esq;

Essex 8.

Henry Mildmay Esq;

John Lemot Honynwood Esq;

Borough of *Colchester*.

Sir Harbottle Grimston Bar.

Sir Walter Clarges Bar.

Borough of *Malden*.

Sir Will. Wiseman Kt. and Bar.

Sir Thomas Darcy Bar.

Borough of *Harwich*.

Sir Philip Parker Bar.

Sir Thomas Mydalton Kt.

Gloucestershire 8.

Sir Ralph Dutton Bar.

Sir John Guise Bar.

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City of Gloucester.

Evan Seys Serjeant at Law.

Sir Ch. Berkley

Borough of Cirencester.

Sir Rob. Atkins Jun. Kt.

Henry Powle Esq;

Borough of Tukesbury,

Sir Hen Capel Kt. of the Bath.

Sir Francis Russel Bar.

Herefordshire 8.

John Viscount Scudamore

Sir Edw. Harley Kt. of the Bath

City of Hereford.

Bridstock Harford Esq;

Paul Foley Esq;

Borough of Lempster,

John Dutton Colt Esq;

Thomas Coningsby Esq;

Borough of Webley.

John Birch Esq;

John Booth Esq;

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Thomas Pope Blunt Esq;

Samuel Grimston Esq;

Borough of Hertford.

Sir Thomas Bide Kt.

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Huntingtonshire 4.

Sir Thomas Proby Bar.

Silus Titus Esq;

Borough of *Huntington*.

Sidney Wortley, alias *Montague* Esq;

Lionel Walden Esq;

Kent 10.

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Edward Dering Esq;

City of *Canterbury*.

Sir Thomas Hardress Kt. his Majesties Serjeant at Law.

Edward Hales Esq;

City of *Rocheſter*.

Sir John Banks Bar.

Francis Barrell Serjeant at Law.

Borough of *Maidstone*.

Sir John Tuſton Kt. and Bar.

Thomas Fane Esq;

Borough of *Quinborough*.

William Glanvill Esq;

Sir Edward Hales Bar.

Lancaster 14.

Charles Lord Brandon.

Sir Charles Houghton.

Borough of *Lancaster*.

Richard Kirby Esq;

William Spencer Esq;

Borough or Town of *Preston*
in *Amounderness*.

Sir *John Otway* Kt.

Edward Rigby Serjeant at Law.

Borough of *Newtown*.

Sir *John Chicheley* Kt.

Andrew Fountain Esq;

Borough of *Wigorn*.

Charles Earl of Ancram.

Banks Esq;

Borough of *Clithero*.

Sir *Ralph Ashton* Bar.

Sir *Thomas Stringer* Serjeant at Law.

Borough of *Liverpool*.

Ruishee Wentworth Esq;

John Dubois Merchant.

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Bennet Lord Sberrard.

Sir *John Hartop* Bar.

Town of *Leicester*.

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Sir *Henry Beaumont* Kt.

Lincoln 12.

George Lord Viscount Castleton.

Sir *Robert Carr*. Kt. and Bar.

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Henry Mounson Esq;

Borough of *Boston*.

Sir *Anthony Irby* Kt.

Sir *William York* Kt.

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William Broxholm Esq;

George Pelham Esq;

Town of Stamford.

Sir Richard Cust Bar.

William Hyde Esq;

Borough of Grantham.

Sir William Ellis Bar.

Sir John Newton Bar.

Middlesex 8.

Sir William Roberts Bar.

Sir Robert Atkins

City of Westminster.

Sir William Poultney Kt.

Sir William Waller Kt.

LONDON.

Sir Robert Clayton Kt.

Sir Thomas Player Kt.

William Love Esq;

Thomas Pilkington Esq;

Monmouth 3.

Sir Trevor Williams Bar.

William Morgan Esq;

Borough of Monmouth.

John Arnold Esq;

Norfolk 12.

Sir John Hobert Bar.

Sir Peter Gleen.

City

City of Norwich.

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Augustin Briggs Esq;

Town of Lyn Regis.

John Turner Esq;

Simon Tayler Esq;

Town of Great Tarmouth.

Richard Huntington Esq;

George England Esq;

Borough of Thetford.

Sir Joseph Williamsen Kt.

William Harberd Esq;

Borough of Castlerising.

Sir Robert Howard Kt.

James Heste Esq;

Northampton 9.

John Parkhurst Esq;

Miles Fleetwood Esq;

City of Peterborough.

Francis St. John Esq;

Charles Orme Esq;

Town of Northampton.

Ralph Montague Esq;

Sir William Langham Kt.

Town of Brackley.

Richard VVennan Esq;

Sir VVill. Egerton Kt. of the Bath.

Borough of Higham-Ferries.

Sir Rice Rud Bar.

Northumberland 8.

Sir John Fenwick Bar.

Sir Ralph Delaval Bar.

Town of Newcastle upon Tyne.

Sir VVilliam Blacket Bar.

Sir Ralph Carr. Kt.

Borough of *Morpeth*.

Sir *George Downing* Kt. Bar.

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Town of *Berwick upon Tweed*.

Ralph Grey Esq;

John Rushworth Esq;

Nottingham 8.

Sir *Scroop How* Kt.

John White Esq;

Town of *Nottingham*.

Robert Pierrepont Esq;

Richard Slater Esq;

Borough of *Eastretford*.

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Sir *Edward Newile* Kt. Bar.

Town of *Newark upon Trent*.

Sir *Robert Markham* Kt.

Sir *Richard Rothwell*.

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University of *Oxon*.

Sir *Leoline Jenkins*.

Dr. *Perrot*.

City of *Oxon*.

Brocm Whorwood Esq;

Alderman *William Wright*

Borough of *New-woodstock*.

Sir *Littleton Osbalston* Bar.

Nich. Baynton Esq;

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Borough of *Banbury*.

Sir *John Holman* Bar.

Rutland 2.

Sir *Abel Barker*.

Philip Sherrard Esq;

Salop 12.

Richard Newport Esq;

Sir *Vincent Corbet* Bar.

Town of *Salop*.

Sir *Richard Corbet* Bar.

Edward Kinaston Esq;

Borough of *Bruges* alias
Bridgenorth.

Sir *William Whitmore* Bar.

Sir *Thomas Whitmore* Kt. of the Bath.

Borough of *Ludlow*.

Francis Charlton Esq;

Thomas Walcot Esq;

Borough of *Great Wenlock*.

William Forrester Esq;

John Woolryche Esq;

Town of *Bishops-Castle*.

Edward Waring Esq;

Richard Schriiven Esq;

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Sir *William Portman* Bar. and Knight of
the Bath.

George Speke Esq;

City

City of *Bristol*

Sir *Robert Cann* Kt. Bar.

Sir *John Knight* Kt.

City of *Bath*.

Sir *George Speke* Bar.

Sir *Walter Long* Bar.

City of *Wells*.

John Hall Esq;

William Coward Esq;

Borough of *Taunton*.

Edmund Freeman Esq;

John Trenchard Esq;

Borough of *Bridgwater*.

Sir *Hafwel Tynt* Bar.

Ralph Stawel Esq;

Borough of *Minehead*.

Francis Lutterell Esq;

Thomas Palmer Gent.

Borough of *Ilester*.

William Strode Esq;

John Speke Esq;

Borough of *Milburnport*.

John Hunt Esq;

Henry Bull Esq;

Southampton 26.

Farvis Esq;

Sir *Francis Roll* Kt.

City of *Winchester*.

James Lord Annesly

Sir *John Globery* Kt.

Town of *Southampton*.

Sir *Benjamin Newland* Kt.

Sir *Charles Wyndham* Kt.

Town

Town of Portsmouth.

George Legg Esq;

Richard Norton Esq;

Borough of Yarmouth.

Sir Richard Mason Kt.

Thomas VVyndam Esq;

Borough of Peterfield.

Sir John Norton Bar.

Leonard Bilson Esq;

*Borough of Newport,
alias Medona.*

Sir Robert Dillington Bar.

John Leigh Esq;

Borough of Steckbridge.

Oliver St. John Esq;

Henry VWhitehead Esq;

Borough of Newtown.

Sir John Holmes Kt.

Lemuel Kingdon Esq;

Borough of Christchurch.

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(16.)

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Town of *Winchelsea.*

Creswel Draper Esq;

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Town

(293)

Town of Rye.

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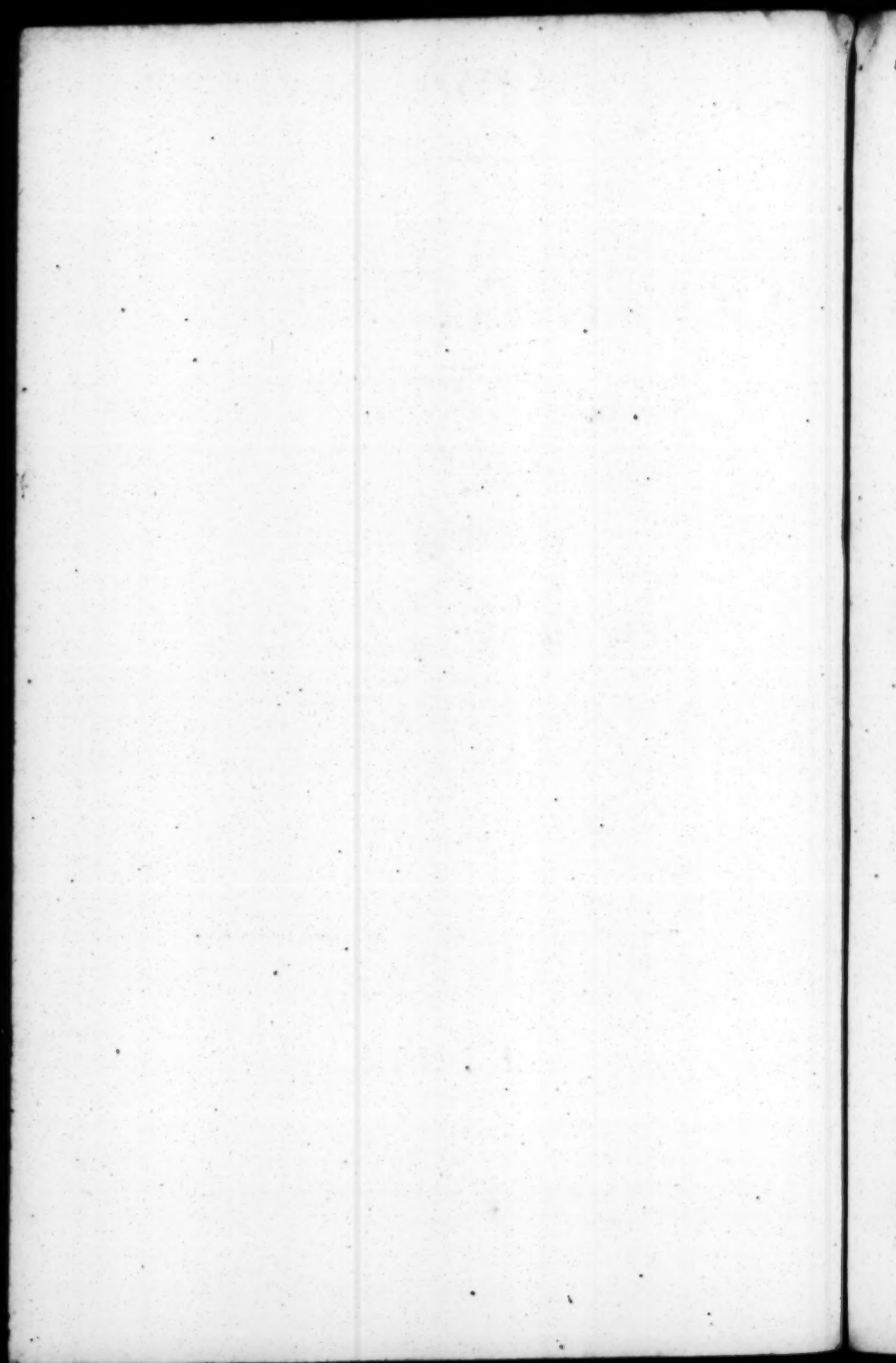
Town of Radnor,

Griffith Jones Esq;

The COMMONS

In all 513.

FINIS.



THE
DEBATES

IN THE
House of Commons,

Assembled at

OXFORD

The Twenty first of *March*, 1680.

The Three first days being spent in Choosing their Speaker, the Confirming of him, and taking the Oaths as the Law directs; on Thursday the Twenty fourth of *March*, 1680. they began thus.

Thursday, *March* 24. 1680.

Sir J. H. **M**R. *Speaker*, What I am about to Move, concerns us all. The last Parliament when you was moved to Print your Votes, it was for the Security of the Nation, and you found it so. It prevented ill Representations of us to the World, by false
X
Copies

Copies of our Votes, and none doubted your Honour in the care of it. And I am confident that this House will be no more ashamed of their Actions than the last was. Printing our Votes will be for the Honour of the King, and the safety of the Nation. I am confident if it had been necessary, you would have had Petitions from the Parts I come from, that your Actions might be made publick. As I came hither, every body almost that I met upon the Road, cryed, God bless you in what you are going about. I Move therefore, that your Votes may be ordered forthwith to be Printed, with the rest of your Proceedings; and I shall only add, that your self has done so well in taking that care upon you the last Parliament, that the House will desire you to continue them in the same Method.

Sir *W. C.* That which put me upon Moving the Printing your Votes the last Parliament, was false Copies that went about in former Parliaments, of the Votes and Transactions of the House. Let men think what they please, the weight of *England* is the People; and the more they know, the heavier will it be; and I could wish some would be so wise as to consider that this weight hath sunk ill Ministers of State (almost) in all Ages; and I do not in the least doubt but it will do so to those who are the Enemies of our Religion and Liberties. And the World will find the honest Commons of *England* will sink Popery at last, therefore I second the Motion.

Sec. *J.* I beg pardon if I consent not to the Motion of Printing the Votes, &c. consider the
the

the Gravity of this Assembly. There is no great Assembly in Christendom does it. 'Tis against the gravity of this Assembly, and 'tis a sort of Appeal to the People. 'Tis against your gravity, and I am against it.

H. B. If you had been a Privy-Council, then 'twere fit what you do should be kept secret. Your Journal Books are open, and Copies of your Votes in every Coffee-House; and if you Print them not, half Votes will be dispersed to your prejudice. This Printing, &c. is like plain *English-men*, who are not asham'd of what they do; and the people whom you represent, will have a true account of what you do; you may prevent the publishing what parts of the Transactions you please, and print the rest.

L. G. I find that those who write out Votes and Transactions, and send them all *England* over, are favoured; and I believe no Gentleman in the House will be against Printing them but the Secretary. I hope you will not have reason to be asham'd of what you do, therefore I am for Printing, &c.

Col. M. By experience we have found, that when former Parliaments have been Prorogued or Dissolved, they have been sent away with a Declaration against their proceedings. If our Actions be naught, let the World judge of them; if they be good, let them have their vertue. 'Tis fit that all Christendom should have notice of what you do, and Posterity what you have done, and I hope they will do as you do, therefore I am for Printing, &c.

Sir F. W. What has been said by the Secretary is a single Opinion, (for he says, that

Printing the Votes is an Appeal to the People) I hope the House will take notice, that Printing the Votes is not against Law. But pray who sent us hither? The Privy Council is constituted by the King, but the House of Commons is by the choice of the People. I think it not natural nor rational, that the People who sent us hither, should not be informed of our Actions. In the Long Parliament it was a Trade amongst Clerks to write the Votes and disperse them, and were questioned for it there; but 'twas then said by a Learned Gentleman, that 'twas no Offence to inform the People of the Votes of Parliament, the Journal Books being open, and the People ought to have notice of them. The Long Parliament were wise in their Generation, to conceal many things they did from the People, and yet the Clerk was sent away, (who dispersed the Votes) and had nothing done to him. The Popish Party dread nothing more than Printing what you do, and I dread a man in the Secretaries post, and such an Accusation as was upon him in the last Parliament, that he should hold such a Position, that Printing the Votes is an Appeal to the People. *Vide the Printed Vote of this day.*

A Motion was made to enquire into the miscarriage of the Bill for Repeal of 35 El. &c.

R. H. I think the Motion is to enquire after the slipping of that Act the last Parliament, and not presenting it for the Royal Assent. For my own part, I look upon it as a breach of the constitution of the Government. We are told that

that we are Republicans, and would change the Government; but such as are about to do so, 'tis a natural fear in them to be thought so, and they will cast it upon others. In a crowd 'tis frequent for Pickpockets to cry out, Gentlemen, have a care of your Pockets, that they may more securely do it themselves, and have the less suspicion upon them. I will not offer this great thing to the consideration to day, but move you to Adjourn it till to morrow.

Sir *F. W.* I shall humbly put in this word. I doubt this matter will be too big to be debated to day; 'tis of great importance, and will not be forgotten; be pleased to Adjourn the Debate, &c.

Sir *N. C.* I humbly Move, that for the preservation of the Protestant Religion, and the Kings Person, a Bill be brought in to prevent a Popish Successor, and in particular against *James Duke of York*, the same Bill which past the last Parliament.

Sec. *J.* You are upon rising, and I shall not detain you long. I must give my Negative to this Motion, and my reason why I do so, is, because the King hath declared in his Speech, that as to the point of altering the Succession, he cannot depart from what he has so often declared. The King has given his Vote against it, and therefore I must do so too.

L. G. The Duke of *York* is in *Scotland*, and I hope the King will come up to what he has said in his Speech. My Liberty and Property is dear to me, and I'll support the King's Prerogative too; and I hope we shall remove those people, Briars and Thorns who scratch you in

your Intentions against Popery; which I see we cannot prevent without this Bill to Exclude the *D. &c.* And therefore I am for it.

Col. *B.* I am heartily glad to find that the Zeal of the House still continues for the preservation of the Protestant Religion. My Opinion is, that we cannot preserve the Protestant Religion with a Popish Successour to the Crown, no more than Water can be kept cold in the hot Pot; but I would do it in all the decent ways to come at it. The King recommends to you in his Speech, to look back to what he formerly said as to the Succession, &c. If there be no other way to prevent Popery, but a Bill to exclude the *D. &c.* from the Succession, &c. my Opinion is, That 'twill be more decent to our Prince, and better for those who sent us hither, that before the Bill be brought in, to give it the honour of a day, to consider of Expedients to save Religion under a Popish Successour; for that I shall expect from some Honourable Person: but if none come, then you may proceed to this Bill with more honour. Therefore I move to appoint a day to consider of it.

Sir *J. E.* I should not have troubled you, but from what was spoke last. By all means just and lawful, we are to secure our Religion and Properties: We see the great attempts made upon us from *Rome*, and we must do something for our farther security. I will not speak of the former Bill of Excluding the *D. &c.* nor of the King's Speech, that gives you latitude for Expedients; and I would not offer any, if I thought they would not do as well

as

as that Bill, which is but an Expedient. But because the King has declared against that Bill, and invited you to Expedients, I would not put that Bill any more to the hazard of rejection, but think of some Expedients.

W. H. I can see no Expedient to save Religion and preserve the King's person, but the Bill to Exclude the D. &c. All Gentlemen I believe would be willing as to the Manner and save the Matter: But when our Prince is encompassed (all) with the D's Creatures, the D's safety is because of their dependencies: The danger is not from Popery, but from the K's being encompassed with the D's Creatures. I would proceed in this matter with all decency; and since a day is moved for, pray let's have time to consider.

Sir C. M. You are invited by the K's gracious Motion to consider how to preserve Religion, &c. I desire we may not now put a Question for bringing in a Bill to seclude the D. &c. else properly we cannot consider any Expedients for preservation of Religion.

B. W. The consideration of the preservation of the Protestant Religion, is of that weight, that though we have shew'd our Zeal to it, yet I would not run upon a thing of this great nature, without consideration. They who advised the K's Speech, must answer for it. The words of the Speech are, *If any other way can be found out, &c.* *Vide* I think those about the King have done enough to ruin Him and Us: But I would have the K. see we are so far from putting him upon that stress, that we would help him out. I think that Speech the

King read to us, to have nothing of the King's in it ; He is a better man, and a better Protestant, than to do it of Himself : Therefore I would not put on a Resolution as flat and as short as that is in the K's Speech. The King has gone as far as this Resolution in his Speech comes to, in his Declaration about Dissenters formerly ; and yet from the Reasons from Hence, he was perswaded to revoke it. If persons have been so prevalent as to put the King upon this Speech, let me see those persons so forward to bring the King into a thing to help him out ; if they do not, I hope the King will lay the blame at their doors, and not at ours. If they could have told us what Expedients were necessary, they would have put them into the King's Speech, and the Resolution-part of not altering the Succession would have been left out. A little consideration in this great matter, can do us no hurt, and will satisfy the People without doors : But if they about the King can find out no Expedient, I hope he will lay them aside, and take their counsel no more. Put not off this Consideration farther than *Saturday* ; and if they can find us out an Expedient betwixt this and then, 'tis very well.

H. P. I have always observed, that the most deliberate Proceedings have had the best success here, and the best reputation abroad. I am as willing as any man to come to this moved for, but with deliberate steps. For my share, though I hear of Expedients abroad, yet I cannot conceive that a Title or Name can destroy the nature of Expedients. But the
King.

King in his Speech has held you out a Handle (*Vide*) And I would not give those about the King occasion to say, that this House is running into a Breach with him. I would pay the King all the respect in the world, and you cannot avoid setting apart a time to consider Expedients; and I would not mix any thing with the Debate that day. I think to morrow is too soon to debate it: I shall propose *Saturday* for that Consideration; and then let us do what's fit in so weighty a matter.

R. H. This is a matter of great weight, and I would adjourn it to to-morrow. For the reason of proposing Expedients, I do not move to adjourn for that; for 'tis as little reason to me to expect any, as 'twas the last Parliament. That Parliament gave Reasons why no Expedients could be of any effect, but this Bill of Exclusion; and that Parliament saw enough of Expedients. There are a great many talked of abroad in the streets, and won't you hear Expedients? What can a man say less with any modesty? But no man can say but we are in danger of losing our Religion, if the *D.* should come to the Crown. But the Question before you is, Whether you'll put off this Debate? Therefore I move that the House will take into Debate the security of the Protestant Religion to morrow.

Sir F. W. All that I shall propose is, That you would so word the Question as to have no diminution to the Motion made for the Bill, &c. upon your Books, nor prejudice, nor reflexion. When this Bill past the last Parliament, it was *Nemine Contradicente*; and most
of

of this Parliament were of the last. For Expedients, 'tis a word mightily used and talked of, and willingly embraced; but none have been proposed. Let this matter be reassembled on *Saturday* morning, and so taken into consideration to secure the Protestant Religion; and not to let appear upon your Books any thing relating to Expedients or preventing a Popish Successour.

J. T. I was much surprized at the King's Speech, considering your weighty Reasons for the Bill, &c. the last Parliament; and that the Lords found out no Expedients for preservation of Religion, and yet threw out the Bill. But that the King may see that what we do, is out of real sense of the danger we are in from a Popish Successour, and not in contradiction to him; and when nothing is found out to save us, we may justify our selves in what we do. I am for adjourning the Debate. *Vote, vide the Print.*

Friday, *March 25.* 1681.

Thanks moved for free Choice of Members.

J. S. **W**hen there has been a general Corruption, and all have not done their duty, you should distinguish and give thanks to them that have; and formerly you have done to Officers for doing their duty in suppression of Popery, when through the corruption of the times some have not done their duty. Nothing is more Parliamentary than to return

return Thanks to those who have freely and without expence chosen you Members; and I desire that the Members so elected may be ordered to send their Thanks to those who chose them. *Vide the Vote in the print.*

The loss of the Bill for repeal of 35 Eliz moved.

Sir W. 7. This matter deserves material consideration, whether in respect of the loss of the Bill, or the shaking of the very Constitution of Parliament. The Bill that is lost is of great moment, and of great service to the Country, and perhaps to their lives in the time of a Popish Successor. Those men that hindered the passing that Bill, had a prospect of that; and if it be sent up again, we are like to meet with great opposition. But be the Bill what it will, the President is of the highest consequence: The King has his Negative to all Bills; but I never knew that the Clerk of the Parliament had a Negative, if he laid it aside or not. But consider, if we send up many good Bills, if this be not searched into, we may be deprived of them. No man that knows Law or History, but can tell that to Bills Grateful and Popular the K. gives his consent to them — But if this way be found out, that Bills should be thrown by, it may be hereafter said, they were forgot and laid by, and so we shall never know whether the K. would pass them or no. If this be suffered, 'tis in vain to spend time here; and 'twill be a great matter to find time to redress it. I Move therefore, that a Message be sent to the Lords for a Conference,

rence, that some way may be found out to give us satisfaction in this great matter.

H. B. I do concur with the Gentleman spoke last, that Parliaments are Prorogued and Dissolved by the King ; and now here is a new way found out to frustrate Bills. The King cannot take one part of a Bill, and reject another, but gives a direct answer to the whole. But to avoid that, this Bill was never presented to the King, a thing never done before. I desire we may send to the Lords for a Conference, to represent this Innovation, and that a Committee be appointed to draw up Reasons for the Managers.

W. G. I was a friend to this Bill, and I agree in all things concerning the weight of it: The laying this Bill aside, is such a Breach of the Constitution of Parliament, that 'tis in vain to pass any Bill if this Miscarriage be not searched into. By the Constitution of Parliaments, all Bills but Money-Bills, after they are past both Houses, are deposited in the Lords hands ; and 'tis below you to look after the Clerks for this Bill. If the Lords give you no answer for the loss of this Bill, that is satisfactory ; I would then send to them to know a Reason why the Bill was not tendered to His Majesty with the other Bills.

Sir R. H. I would have you search the Lords Journals, and if you find no account of the Bill there, then 'twill be time for us to go to the Lords to require satisfaction.

Sir R. T. I have not much to offer you, but I fully concur in the weight and consequence of this matter, and you are to take all the care
you

you can to secure it for the future. Never any thing of this nature was done before, but the Bill for observation of the Lords day in the late long Parliament. 'Twas left upon the Table at a Conference, and stolen away. But 'tis not proper (I conceive) to take notice of this in a Message to the Lords, because the mis-carriage of this Bill was in another Parliament. The matter must go upon a desire of a Conference with the Lords, concerning the Rights and Priviledges of both Houses of Parliament; and then you may appoint a Committee to inform you of the progress of this matter.

E. V. I think the passing over the inquiry after the loss of the Bill of the Sabbath, in the late long Parliament, was the great occasion of the loss of this. Consider how many interruptions Parliaments have had of late in the greatest business, by Prorogations and Dissolutions; and another way to gratifie your Enemies, is to stifle your Laws, when they have a mind the People should have no benefit of them, though they have passed both Houses. Therefore I move, &c. *ut ante*.

Sir H. C: I differ only as to the words. I agree to a Conference, but no more to be said, than to know what's become of the Bill; for the Lords are the Depositors of all Bills but Money. Without any other words, I would send to the Lords for a Conference to know what's become of the Bill. I know but of three Negatives, but by this proceeding here is a fourth Negative, which may destroy the Government.

S T: 'Tis the best way in this matter to observe old Methods; and the best Method to know

know the Lords minds, is by Conference. I remember in the late long Parliament, the Lords sent to us for a Conference, and at it told, the Roof of our House was falling on our heads; but they sent us not a Message of the danger we were in by the falling of the Roof, but desired a Conference about a matter of great consequence. Therefore I would now send to the Lords for a Conference of matters relating to the Nation.

R. H. I would say this, We desire a Conference with the Lords concerning the Constitution of Parliaments in matters relating to passing of Bills. *Vide Printed Vote.*

Sir T. L. This is a thing of as high weight as we can confer upon. Therefore I would not do less than in a thing of lesser moment. Let a Committee meet, and then agree of the subject-matter; till then you know not what to say at the Conference; and 'twill be *Munday* at the soonest before you can do it. I shall offer another thing at the Conference; I would offer the Lords the consequence of this way of proceeding, and to desire the Lords to put the thing into a way of Examination, that the Complices may be fit for punishment: And at the same Conference, would desire a Committee of both Houses to consider where the Miscarriage lay.

Danby's Case Reported, &c. The account of Fitzharris, and the Libel read, &c. Treby's Examination, &c.

Sir J. H. I humbly Move *Fitzharris's Examination* may be printed, for the World to see the Devillish Conspiracies of the *Papists*.

Sir

Sir *W. J.* I like the Motion for Printing ; nothing is in this Paper but what's fit to be printed. It fully makes out those Informations you have had before. And because we all know that since my Lord *Stafford's* Tryal people have been prevailed upon to believe the Plot not true, and this confirms *Oats* and *Bedloes* Informations, I would have them Printed, but not the Libellous Paper which reflects upon the King.

Sec. *J.* I will not trouble you but with that part I had in this affair. The Paper was read over to the King by Sir *Will. Waller*. Therefore according to the King's Command, I issued out a Warrant for apprehending *Fitzbarris*, and Sir *W. Waller* was to take care of the execution of the Warrant.

Sir *F. W.* This is a matter of great Importance, and we ought to acquit our selves in it like wise men. We that come out of the Countrey hear, that that Treasonable Paper which has been read by Sir *W. Waller*, was to have been sent to many Gentlemen, they to have been seized thereupon, as Traytors in the Conspiracy ; it may be this and was that new Plot. All we have is at the stake, therefore how long at short our sitting is like to be here (the Trooper *Harrison* said there would be other Guards at *Oxford*) let not our courage lessen. This being our case, let us go to the bottom of this business of *Fitzbarris*. Therefore I Move, he may be sent for and Impeached. We know by experience, when once an Accusation is in Parliament on Record, and in the greatest Court of the Kingdom made known, Malefactors have not been cleared, and you have had

had Justice; therefore I would have care taken that this Man be Impeached of High Treason, and it may be he will relent and tell you all.

Sir R. C. When *Fitzbarris's* Examination was taken at *Newgate*, he asked whether he had said enough to save his life. I told him, I thought he had not dealt ingenuously, unless he would tell what Counsel he had for Drawing and Modelling the Paper; and I bid him be ingenuous in the whole matter, and I would come and take his farther Examination. But the next day after he promised this, he was removed out of our reach into the *Tower*. *Impeachment Ordered, vide in the Print.*

'Twas moved that Secretary Jen. should carry up the Impeachment to the Lords.

Sec. 7. The sending me, upon this Message, &c. reflects upon the King my Master; and do what you will with me I will not go. *Many called, To the Bar, to the Bar.*

Sir T. L. I would not have said one word, but that the very Being of Parliament is in the case. 'Tis to no end to sit here any longer if this be suffered. There can be no ground, reason, or thought, to bring the King in question, or reflection upon him in this Impeachment, or on the Secretary. But for him to say, do what you will with me, I will not go with the Impeachment, is what I never heard said in Parliament before. Let the words fell from him be written down before he explain them, according to the Order of the House.

Sir G. H. I never heard such words before, that the whole House of Commons should reflect upon the King, and that he will not obey
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your Order; let the words be written down.

J. T. The House will be contemptible to the extreamest degree if this be suffered. Such a thing as never was in Parliament before, that the whole House should reflect on the King, and for him to say, do what you will, I will not go. *Moves ut ante.*

Sec. J. I said no such thing that the House reflected on the King, but that I take it as a reflection upon the King my Master.

J. T. His words were, This had not been put upon me, but for the Character I bear.

At last the Secretary's words were thus stated, This Message is put upon me for the Character I bear. I value not my Life nor Liberty, do what you will, I will not go.

Sec. J. I say this is put upon me, to my apprehension, for the Character I bear, and do what you will with me, I will not go.

Sir W. J. I am sorry to see any Member behave himself at this rate. This Deportment confirms me in the opinion of the design of some men, to suppress the Honour of this House. There has been a Book written, (which I hope in time will be inquired after) That the House of Commons sprang first out of Rebellion in *H. 3.* time. This goes on this day in the same method. Let a man be of what Quality he will, if he be too big to be your Member, he is not to be chosen. To scorn the Commands of the House, and to be too big to be a Messenger of the House of Commons! Secretaries are sent of Messages every day, and is he too big a Messenger to accuse a person of the Popish Plot? His words seem to import, as if the King

would not have the prosecution of the Plot. If this be so, sit no longer here, but go home. His Character is great, and he may be privy to things hid from us, by this extraordinary carriage. Are we come to that pass, to be dealt withal, as none of our Predecessors ever were? If my Brother or Son dealt with the House thus, I would call him to account. For ought I see, he provokes the House more by his Explanation, therefore pray go on.

Sec. 7. I am as ready, and think my self as much obliged to obey the Commands of the House, as any man here. The Office I have excludes me not from it; but the thing I stand upon is, that the Motion was carried on in Ridicule. I have an Honour for this, and ever had for all Houses of Commons; but in this Message I must and will be excused.

Sir H. C. Ridicule is not a word proper for a House of Commons; and what is appointed by this House, is done with all gravity, especially where the life of a man is concerned. We are in an unfortunate Age, now things come to more light than before, that it should be said that Impeachments strike at the King, that the Dukes Bill, &c. is aimed at the King; I am sorry to here it said here, as well as in other places. This Employment he is put upon, is for the Kings Service, and he tells you it reflects upon the King. All is renversed, if what the Commons do, must be as if it reflected upon the King. I have all imaginable respect to the King: but, Sir, we are in a Ship, and we have to do with the Master, and he with us. If this Gentleman would make any
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fort of excuse, I would willingly accept it; but he has not taken off his Crime, but rather aggravated it. If he have nothing farther to say, he must withdraw, and then you'll have a Motion made for the Honour of the House.

Sir T. M. I know no other difference in any person here; if the Secretary said; I thought it reflected on the King, a man may be mistaken in his thoughts; and in case it be so, he would suffer any thing under that reflection. He said it was his thoughts, that the carrying the Message was a reflection upon the King, and in that case would suffer any thing rather than a reflection upon the King and his Character.

Sir J. E. 'Tis an ill thing to stumble at the entrance; I hope the Secretary intended no disservice to the House, but on a mistake: I did apprehend it, and some others, that it was in jest. But in jest or earnest, one ought to obey the Commands of the House; but every man cannot subdue his own Heart. But I would know upon farther consideration, whether the Secretary will undertake this Service or no. I am the worst Advocate in the World for any obstinate person. But I humbly offer, whether the Gentleman will serve you or no before he withdraw.

Ernl. removed from his place and whispered with the Secretary.

Sec. J. Since the House is so favourable as to hear me, I shall only say, that I did apprehend sending me with the Message to the Lords, was a reflection upon the King; if I did apprehend

hend it a reflection upon my Master, I could not but resent it. I am heartily sorry I have incurred the displeasure of the House, and I hope they will pardon the freedom of the expression. I apprehended it a reflection upon the King, and no other consideration whatsoever induced me to say the words.

M. F. I look upon this has come from the Secretary, as so great a Reflection upon the House, that he ought to come to the Bar upon his knees, and ask pardon of the House.

H. B. We are all subject to Infirmities; seeing that the thing is so, the Secretary could not apprehend any reflection on the King by sending him with the Message, but he might apprehend it on himself; it was a little smilingly moved: but since he has explained himself, I would have this, &c. past by, as I would on the like occasion desire for my self.

Ld. C. The Gentlemans fault is a great one, but that after he has begg'd the pardon of the House, I am willing to pass it over. Though it be a great fault, yet 'tis too little to give occasion of a Breach at this time.

Sec. J. I am ready to obey the Order of the House, and I am sorry my words gave offence.

So he went on the Message.

Col. B. We ought all to give God thanks for this Discovery of *Fitzbarris*, next to the first Discovery of the Plot. It is a great service to the Nation, and 'tis not the first that Sir *W. Waller* has done. If ever the thanks of the House was deserved, it is for this Discovery; and I move Sir *W. Waller* may have the thanks of the House. *Ordered, vide the Print.*

Saturday,

Saturday, March 26. 1681.

Order of the Day, vide Print.

Sir R. C. **I** Confess I have been full of expectation of some Expedient to secure the Life of the King, and the *Protestant* Religion, without the Bill for Excluding the Duke, &c. My expectation is from those who opposed the Expedient of the Bill, (for I can call it no otherwise) I have in my weak judgment weighed all Expedients I have heard of, and they seem all to me to be a breach of the Constitution of the Government, and to throw us into disorder and confusion. I have heard that it has been an ancient usage that Members have consulted their Cities, Burroughs, and Counties in any thing of weight, as well as giving Money, before they resolved it. The practice was good, and I wish it were continued; and we can discharge our Trust no better, than in observing the direction of those who sent us hither. I received an Address from the City of *London* (having the Honour to be one of their Representatives) in the matter of this Bill of Excluding the Duke, &c. I heartily wish some Expedient may be found out to save our Religion without it. But I must pursue my Trust, therefore I move a Bill may be brought in to Exclude all *Papish* Successors, and in particular *James Duke of York*.

Ld. R. I have the same Obligation upon me as the worthy person that spoke last, from the County I have the honour to serve for. I have

been long of Opinion, that nothing but this Bill can secure us from *Popery*. In the long Parliament, 'twas said, that the Duke was a *Papist*; and the danger of his Power will be more now, and every day informs us of the sad consequences of it. I should be glad if any thing but this Bill could secure us. I know nothing else can, therefore I humbly Move for it, &c.

R. M. The security of the *Protestant* Religion, and the preservation of the Kings Person, is of so great weight, that we should not have staid to this day to Exclude the Duke; but I am sorry to hear that Language, that because the King has said in his Speech, he will stick to his former Resolution in not altering the Succession, &c. and proposes a kind of Expedient, &c. but in this we are not used as an *English* Parliament, but a *French*, to be told what we are to do, and what not; 'tis the greatest Arbitrary Power in *England* to cow a Parliament, which may be was in design to bring us hither; but be we called to *York*, or any part of *England*, I believe we shall be the same men we are here, and were at *Westminster*. My Lord *Danby* Dissolved the long Parliament, and said, he had spoiled the old Rooks, and had took away their false Dice; and then started in the new Ministers, and they shuffle and cut again, and Dissolve Parliaments, till they can get one for their turn. I have heard much weight laid upon Disinheriting the Duke; sure no Father would scruple to Disinherit a Son, or a Brother, nor turn away Servants that would ruine him. If Bishops and Counsellors would speak plain, they cannot answer deferring our security
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so long. But neither the Ministers of the Gospel have endeavoured the preservation of our Religion, nor the Ministers of State the Government, both acting against Religion and Safety of the King's Person: And I have no expectation of our safety, but the Bill to exclude the Duke; and therefore I move for it, &c.

H. C. If this Debate must be proceeded in with the Regularity and Circumspection it ought to be, you have transgressed the Order of the day already. Several Gentlemen tell us, that there is no Expedient, but none tell us what is. All men believe the Religion of the Duke is as fatal a thing to the Nation as can be, should he come to be King; and what do they deserve that perverted the Duke? But let us consider what depends upon this House, and let us proceed like men. If we are of opinion, that Exclusion of the Duke is the best way to preserve Religion, this House cannot do it alone; if we cannot have that best way, we are guilty to our Country, if we take none. If a man be sick, and so ordered that nothing must be taken but by direction of three Physicians, and two are for giving him the Jesuits Powder, and one against it, and he thinks he does the duty of his profession; but they all three not agreeing it, must the Patient take nothing? And we are but one part of the Legislative power. But for Expedients, I remember in the *Dutch War*, the House went into a grand Committee, to consider Expedients for raising Money, to save Land-Tax. A man whoever he be, that proposes an Expedient,

will desire leave to make good that Expedient, and must speak it may be often to it; but if it prove to be none, that man will be trampled upon. A Committee of the whole House will be most proper for this purpose. If there be a dispute which question shall take place, if the first be denyed, the other may take its place; but not one to exclude all the rest, as this Bill will do. Let it be Exclusion or Limitation, or what it will, your order is general, to find out means against Popery, and preservation of the Kings Life. When men press on so fast, they may come late into their Inn by tyring their Horses. Let a grand Committee try Expedients, else 'tis not *consultare* but *diceré*. I am of a contrary opinion of having this great matter Debated in the House, and for the reason I have told you; and if Gentlemen you will do reasonably, a grand Committee is your way to proceed in.

J. S. You have had Motions proposed for Expedients, but there is not a word of Expedients in the Order, and that answers it. (*The Order was read.*) Those who were here present when the Order was made, have left it free for a Bill, or any other thing; and therefore they are not tyed to have Bills, or offer Expedients against Bills. To the simile of the three Physicians, that two could do nothing without the third, though one was for one thing, and another for another; if the case be such, that the two in the judgment of the third, did offer nothing to the sick man but what was Mortal, he ventures upon his own Disreputation to joyn with them. However, the three Physicians
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ans do not agree ; we never yet saw any thing from the Lords in answer to this Bill ; all Expedients have hitherto been to increase our fears of the King, and to hasten our undoing ; and when all was at stake, to have Parliaments Dissolved, that was an ill Expedient. Those who were near the King, and altered their own judgments, and are come over to this Bill, &c. they are all put away, and those about the King now are for Expedients. The Council of the Jesuits, they have their end, by disappointing the Kingdom, and by raising the Fears of the People, either to take up with a false Security, as good as none, and so to impose Popery upon them that way ; or to bring the Kingdom into disorder. When Religion, and Laws, and all are at the dispose of a Popish Successor, the Kingdom will be in great disorder, that the Protestants will not be able to enjoy them quietly ; the Papists have no surer way to effect their end. For the House to go into a Grand Committee, 'tis a Motion of great weight. If you deny it, it looks as if you would precipitate and deny free Debate : If you accept it, you will lie under the Inconveniency of Delay ; and who knows how long we have to sit ? If we were sure of our time, to sit two or three Months, I would be willing to go into a Grand Committee. But as to the ill umbrage of refusing a Committee, 'tis not like other Cases. I would have an Instance, if ever in a thing of this weight, the House went into a Grand Committee. This Matter of Excluding the Duke, has been depending two Parliaments, and any other way for our
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Security would have been accepted. Nothing else could be found out the last Parliament, the whole Kingdom was satisfied with nothing else. And now what reason is there to go into a Grand Committee, for a thing so often debated to the bottom? No man can deny, but a Grand Committee is proper, when something of an Expedient is offer'd; but to offer it generally, is as if the thing was never consulted nor debated before. I never saw any Expedient but this Bill, nor any Reason offer'd against the Bill, but set it aside, and think of Expedients. Therefore pray proceed according to the Order.

L. G. If any Gentleman have Expedients, I desire he would propose them; if they be of any weight, they will deserve well of the House; if it seems to them they will give us security, I would be glad to hear them.

Sir J. E. When the Motion was first made for going into a Grand Committee to hear Expedients, &c. I did then second it, for this Reason; because of the Honour of the Place I serve in. I did understand by the King's Speech, there was Expedients. I am unwilling to determine the sense of any man, who am of the weakest: But a Motion was firsted and seconded for a Committee of the whole House, and when this is done, I shall offer something.

T. B. I must speak again that Question of a Grand Committee, pray keep to the Order of the Day. Expedients that have been moved for already, as the Jesuits Powder for an Ague, &c. but our Disease is a Plurisie, and we must let Blood. Let us go to what will do our

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Business, and it may be we must have other Expedients to fortifie the Bill. I would have the House rightly understand, that those who are against going into a Grand Committee, are for excluding the Duke from the Succession; and those who are for a Grand Committee, are for him to succeed; and put the Question if you please.

Sir F. R. To exclude the Duke from the Succession, &c. that is a good Expedient to prevent Popery; pray let that, or others that shall be presented, be considered.

Sir T. M. If there be but one Expedient offer'd, I do not think that Ground sufficient to go into a Grand Committee to consider it; but possibly there may be several. This Bill is agreed to be an Expedient; and I have known, that in a business of less weight than this, you have gone into a Committee, &c. If an Expedient must be offered in the House, you cannot but allow Gentlemen to make Replies in a fair Debate, or answer Objections. And if you in the House will depart from that Form, the House or Committee are equal to me. But our Debate is broke; one Gentleman said, he would be content with a Committee, if not intended for delay. I do not doubt but this day will have its full effect. When 'twas moved on *Thursday* last, for this day to take into consideration the Preservation of Religion, without naming Bill or Expedients, it gave a great Credit to your Work. I would have no discouragements upon People that have Expedients, by not going into a Grand Committee.

R. H. We are perplexed in having several Questions on foot. I shall put you in mind, that this Bill now proposed, is no new nor strange thing. Our business, I suppose, is to find out Expedients to preserve the Protestant Religion, and the King's Person; here is a way has past two Parliaments already; a way no reasonable Objection has ever been made against it; and a way rejected by the Lords in gross, without offering any other. But I doubt, if other Expedients be tried, if they prove false, we shall endanger the Protestant Religion. Some have said, that Gentlemen apprehend they have Expedients; why then may they not be propounded, that the House may judge whether 'twill be worth going into a Grand Committee to consider them? But if Gentlemen will have it their own way, or not at all, I'll tell you how this looks, as if they were something one way, and nothing another: but he does not discharge his Duty to his Country, that does so; therefore if Gentlemen have any Expedients, pray let them offer them.

Sir J. E. If the House be of a mind to enter into a Grand Committee, I shall offer my little Mite, as 'tis every Mans duty to offer Expedients that has any. I doubt not but other men have, and better than me; but if we go not into a Grand Committee, I shall offer what I have. I do apprehend by the Bill proposed, that 'tis a Bar to the Succession of the Duke, and places the Succession in the next Heir. I shall propose, if you please, not the Name of King, but the Power, as a Regency, in the next Heir: tis no new thing in *Spain*
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and *France*, and (God knows) we have seen it done in our Kingdom. If the Administration be placed safe in the Person, that may have no power to resign to the Duke, and may have full Power and Authority at the Death of the King to call that Parliament which fate last, who shall have time to sit to confirm this by Act of Parliament. I hope this may be done, and may be done safely, if you can contrive such a way.

Sir N. C. As I understand, 'tis propos'd, that the Government shall be in Regency during the Dukes Life. I would be satisfied, if the Duke will not submit to that, whether those that fight against it are not Traytors in Law.

Sir W. P. I think this you are upon a Matter of great weight; some Expedient has been offered you; I believe as yet but a crude one, and I cannot imagine will ever be an effectual one. He that moved it, tells you, he hopes, when drawn into better form, it may do what you desire. It excludes the Duke, and in his place, the next in the Succession shall have the Regency in him.—But our last Act left it in the Law. Consider what is a Regency; I never heard of it, but of a Prince in possession, in Minority, or Lunacy; and it has generally been very unfortunate. But to talk of a Regency *in futuro*, in condition and limitation of time, I never heard of. This Expedient does not answer the King's Speech, nor your former Bill; they make the King but a Shadow, and they divide Person from Power, our Law will not endure it. The Person divided from the Power, both will be courted;
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and who that next Heir will be, we know not. The King leads you to consider Expedients, but such as will consist with the safety and dignity of Monarchy. This must be two Kings at the same time, one by Law, and another by Right. *Portugal* gives us some instance of Regency, where the King was put into Prison for Miscarriages in the Government, and his next Heir made Regent; but there is a vast difference in these two Cases. The King of *Portugal* was set aside for personal Miscarriages, not for being a Papist; and which is another thing, that was present, this is to come. If this Question be to let the Duke in, and then make a Question whether Allegiance be due to him; but I am afraid, that unless we be true to those we represent, from whom by express direction, most of us are to pursue the Bill, &c. we shall not be avowed in what we do. The Bill, &c. has been under consideration of all the people of *England*, and perhaps all the Protestants of *Europe*; all the Wits of Learned Men have made their Objections against it, yet notwithstanding all people are still of the same mind.— And now we run upon the most mis-shapen thing, which it may be two or three years before we understand it, and we may expect to have an operation of it, no body knows when. I see very little weight in it, unless improved by some other person, therefore I am for the Bill.

Sir. T. Litt. We are flying at a great matter. To fight against the D. if he should be King— God forbid.— We have been told three or four times of Directions Gentlemen have had from

from their Principals, to be against all those things of Expedients, and to insist upon the Bill of Exclusion, &c. I would not have that way much cherished, 'tis an uncertain thing; and no Footsteps remain of any Papers from their Country. I take the meaning of that going down, is to consult their Neighbours for Direction what to do. I hear talk to day of Parliaments of *France*, but this way is as dangerous; like the States of *Holland* to consult with their Principals before they resolve, most unusual and of very dangerous Consequence. A Regency has been proposed to secure the Administration of the Government in *Protestant* Hands, so as not to alter the Constitution of the Monarchy; and this alters the Constitution of the Monarchy the least imaginable. A Regency in room of a King, and the Monarchy goes on. We have had Regent Protectors, call it what you please, *Primus Consiliarius*, in case of a Minor Prince; but I propose not this. If you alter the Government, I am against it; but here is offer'd a Regent in place of the King, or transferring the Government. But it may be said, Where shall the Duke be all this while? That Point I think is pretty well over, there is no design of Seclusion—The Lords would have banished him 600. Miles from *England*.—The Duke has an Estate, and he, as all men besides, loves it, and will not part with it, and will do nothing to forfeit it. But your Bill of Exclusion secludes the Duke, and the Crown then is to fall as it does fall. What is then the Case? You must imagine, either his own Daughter will take up Arms, if
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the D. attempt the Crown, or some body else will, to keep him out; and that will raise such an Anger in the Duke's mind, whither will they shelter themselves? Not under his Daughter: they must naturally shelter themselves and run into Arms. *Cromwel's* way was to keep up an Army of Sixty Thousand Men for his Security, especially an Army flesht with Victory— And they that have it will keep it. We are not in the condition we were formerly, when the Lords cherished their Tenants by good Leases, they could raise an Army, and send them home to their Houses when they had done what they were raised for: But we are now in another way; raise an Army, and they will think of their own Interest to be kept up. But if it fall out thus, your Bill leaves it very loose.— As soon as this Bill is pass'd, suppose the Regency established in the Princess of *Orange*, or the Lady *Ann*, and in the same Law a Commission be sent over to take an Oath from her strictly to execute this Law, you are then not left in that loose manner you will be by the Bill, &c. 'Twill be a far less matter for her to save a Family, before Misfortune come upon it, than to take the Government upon her afterwards, in the trouble of an Opposition. But it may be said, What needs all this, 'tis just nothing but retaining the name of K. in an exiled man?— But 'tis less violation in her to govern in her Father's Name, than to take the Kingdom from him. It may be wondred, why in *Portugal*, upon deposing that King, there was a great Debate of the three Estates (though they hold not the proportion

as they do here.) In this great Debate, the Commons were for *Don Pedro* to be King, the Nobility to have him Regent, the Ecclesiasticks demurr'd ; but at last both came over to the Nobility. But *Don Pedro* stuck here, and would still leave his Brother the Title of King, and would leave nothing of shelter to force Nature too far. There are Reserves in the King's Speech, I cannot but take notice of by the way. There is another thing to be considered. Some will be paying a deference to the Sacredness of a Crown, for Governments sake. This Objection looks like something, He is like to be five hundred Miles off, &c. and a Law to take up Arms against him.— How was that Law, that the King and Parliament have Power to dispose of the Crown? It was then an Opinion amongst Lawyers, that the Crown was unalienable ; but when that Law was made, that Opinion was damn'd under a Penalty, though 'twas a standing Maxim before that Statute was made. If so, this new Act will be a Warrant for what is proposed, as that was for the other. For my part, I have had the ill Fortune to have the Wind in my Face, and to be against the general Opinion and Stream of the World ; and having had for some time no share in the Government, I may speak possibly more freely than they that have. 'Tis a great Crime to spy things too soon, which makes men apt to run from one Extreme to another. I have proposed the best Expedient I can, and most safe ; but I am afraid, if you do nothing in this great Affair now it is started (I'll grapple with neither of the Expedients) but

if you do nothing but let the thing lie loose, you'll gratifie the Jesuits by our confusion, and the Commonwealths-men to shuffle the Cards again: but if you go into some Medium, both these sort of men will be undone.

Sir W. J. I have heard with great Attention this very learned and able Gentleman. I am really of Opinion, if any better Expedient could have been found out, than what has been proposed, that he as soon as any Gentleman would have proposed it. But I am amazed, that so learned a Gentleman should not see through this Expedient. That which I take for the Expedient, is, the Duke to retain the name of King, and the next Heir to be under the title of Regent or Protector. What does he mean by next Heir? For any thing I know and believe, it is the Duke's Daughter; but it may be the Duke may have a Son. Either I have a great Cloud upon my Understanding, or this is strange, that if the Duke have a Son, and shall he at a Day, a Month, or a year old be Regent? Suppose the Princess of *Orange* come over, and she die, (the Prince of *Orange* has no Right to the Regency) and she leave a Child, and that Child be Regent, that Child must have a Protector, and so there will be a Protector of a Protector. But, Sir, we are told, that nothing but to keep up the Greatness of the Government makes them go from the Bill of Exclusion to this Expedient. But is it so great and pleasing a thing to wear a Crown, and be called King, and have no Authority? It is much worse than to lose an actual Crown and the Possession of it. If the Bill pass, and the Duke be banished

nished 500 Miles off, it must be out of *England*— if the name will please him, in Civility beyond the Sea he shall be King, and it will be as much to his purpose beyond the Sea to be called King only, as here.— But for the Security of his Estate being here: He that would venture the loss of a Kingdom for Religion, will his Estate too ; that's but a weak tie. It is less injustice to take away the Crown and Power from him, than to have of both but the Name. If you allow the Duke the Name, it will imply a Right, therefore for that to be used as an Argument is strange. But why is this Contention, and all this ado, I wonder, for an empty Name? But I am afraid this Expedient is a kind of Jesuits Powder (I do not think the Gentleman's intent or opinion is for the Jesuits) but a wise man may over-do sometimes.— If you do not exclude the Duke's Title, the Duke is King still, and then will Learned Lawyers tell you, that by 1 H. 7. all incapacity is taken away by the Possession of the Crown. If you take not away the Discent of the Crown, and that the Duke has a Title to be King, then without doubt all incapacities fail,— but if the thing may be effectually done, I am as willing to exclude him the Name, as well as the Power ; but Lawyers know no distinction— When the Lady comes to be Regent, not only Nature, but Conscience will put her upon giving *Cæsar* his due ; and perhaps that Text some of our Divines will preach upon. They'l say that the Parliament by what they have done, acknowledge a good Title in the Duke. But if he be King, as the Parliament

allows him to be in Name, he has right of Descent, and so will be restored to all the Rights of King.— An Argument upon Queen *Mary* like this, restored the First-fruits and Tenths— Another thing perhaps may come from them that proposed this Expedient, (I do not believe it came from that Gent, &c.) if you had pass'd the other Bill, great many would not submit to it ; but if you pass this, if the Duke have right to be King, and be kept from the Administration of it, I doubt whether I shall fight against him. And the Papists will say, you have got a Law to separate that which is inseparable. I would, if I were as the Duke, have this Bill to perplex my opposers, rather than a clear one. He has told you of an Army to maintain the Bill, &c.— which will not soon be laid down. But why an Army ?— If there must be an Army for your Bill, there will be four Armies requisite to maintain the Expedient.— A Protector has been proposed, not like that of *E. 6.* who was little more than the now Lord President of the Council.— But certainly they who proposed the Expedient, would have by it the same Power of letting in the Duke, as of keeping him out. Therefore I move to lay aside this Consideration, and take up the Bill as has been moved for.

L. G. I think it is fit we should present Reasons to the King for passing this Bill of excluding the Duke, &c. I do think that the Administration of the Government has been in such hands since the King came in, that tho' the Ministers have been changed, yet the same Principles remain to this day, though some have

have been removed.— The breaking of the Tripple League, the taking of the *Dutch Smyrna-Fleet*. The King of *France* makes War for his Glory, and we for nothing but to get Riches to make the King Absolute. Such a violation was done upon the Rights of the People as has been done.—*He was called down to Order—*

E. V. A Question so extreemly well spoken unto, to be interrupted with any angry Question, is not very decent at this time; what is spoken of, is matter to be enquired into another time, though the Gentleman does it with a worthy intent. If any Gentleman have any thing else to propose, pray hear him.

[*L. G. goes on.*] I intend to move you for Reasons to induce the King to pass this Bill. The strange and dishonourable Retrenchments made in the King's Family.— He is surrounded by the Duke's Creatures.— 'Tis not safe for the King to part with any one Minister, unless he part with all; and when these men have got a bank of Money for a Popish Successor, then will be the time to take away the King.

Sir F. W. This we are upon is a matter of great weight and difficulty. Let any man that can, maintain this Expedient, or give you a new one.

Sir T. M. I have heard with patience *this Expedient*, which has been well offered, and I believe mistaken by the Gentleman who answered it. I must say this, your Question and your business is *Religion*, and I have given as good proof of my Zeal for the *Protestant Religion* this twenty years as any man has; and

I have been for this Bill of excluding the Duke, &c. I am of opinion something must be done to secure *Religion*. For the point of *Law* mentioned, if the *Law* be such, *That Dominion must run with the Name of King*, that single Reason is to carry the Debate. But if I answer not that, I am at an end. But sure those words that can disinheret a King, may make this *Expedient* Law. I would not rise now, if I thought the *Bill* to exclude the *Duke*, &c. could pass; my grounds are but Conjectures. The last *Parliament* I did think this Bill would pass with greasing the *Wheels*. The condition of *England* is thus: we do need one another, both *King* and *People*, and we have need to make use of a *Parliament* to assist one another, to relieve us in the difficulties we are in. If the *Duke* should be *King*, he will need a *Parliament*, and so will the *People*. In order to this, if another *Expedient* can be found out as like this, though not the same, which no Objection of *Law* could destroy, he would do the *King* and *Kingdom* great service and advantage who would produce it. In this necessity we are like two great Armies encamped upon two Hills, and neither dare remove, not for want of Valour, but from their Reason: He that has the last Loaf stays longest, necessity compels the other to discamp. At last it must be one side or other, or else *England* will have the worst of it. But if none will venture to clear the matter in point of *Law*, I am answered. If any could alter that *Bill*, that it should not be the same we have had twice before, I should like it. I like this *Expedient* offered you, for 'tis a *Bill* of
Exclus-

Exclusion, and so strong a one, that the *Duke* may chuse the first rather. I am for the Nail that will drive to do our business. If Gentlemen have other Thoughts, pray so contrive it, that we have one Bill or t'other.

W. H. All the *Expedients* I have heard yet, are like a *Cucumber*, when you have well dress'd it, throw it away. These Gentlemen tell you, they will bring in a *Bill of Excluding the Duke from the Regency*, &c. This Proposition is either honest or not; if it be honest and without Design, then all the Dispute betwixt the *King* and *Us*, will be, Whether the *Duke* shall have a Title to the Crown. But I hope the *King* will rather gratifie the Nation than the *Duke*. If this be not honest, and People about the *King* circumvent him, they will find means from day to day to divert him. Why was *England* so fond of *Calais*, but to have some Footstep into *France*? And so this Bill, let the Bill pass, and all those Gentlemen who have dependency upon the *Duke*, if he come to the Crown, will change matters.

Sir F. W. A worthy Member not being satisfied with Arguments of Law against the *Expedient*, that calls me up, as in my Profession. The Question about this *Bill of Exclusion*, that 'tis lawful in Conscience, no man will oppose: The great opposers of it in the *Lords House*, agreed it lawful when they threw it out.— Not *Jure Divino* unlawful *concurrentibus iis qui concurrere debent*. Some Gentlemen told you, their Country gave them Instructions to press this *Bill of Exclusion*, &c. *Sir T. Litt.* said, it was dangerous to take Instructions

from the *Country*; but I say, 'tis much more to take it from *Court*. *Parliaments* formerly upon any extraordinary matter, afraid, and sent their Members to consult with those who sent them. I am not subjugated (when I am here) to what the *Country* does propose. I am as much against a *Republick* as he that fears it; but I am a Protestant. I say, I know Sir *T. Litt.* to be of that Experience and Reason, that if he go away satisfied in this matter, he will do all the good he can in the Post he is in. But to keep close to this Question; it being allowed by Law, *That an Exclusion of the D. from the Crown may be*; the next thing is to consider the *Expedient of the Regency* proposed. The same Authority that can make a Descent of the Crown, may modify it. He argued to shew that the *Regency* would make the *Duke* insignificant in the Administration of the Government. Now the Question is, which is the most practicable. We Lawyers are aptest to go on the strongest side, and to call every thing Prerogative. I'll put you a case, in King *James's* time the *Sheriff of*— there was an exception in his Commission, that he should not keep the *County-Court of*— but should have all other Exercises of his Office. But the Judges resolved he was *Sheriff* to all intents and purposes, and that he could not be hindered keeping the *County-Court*. An Act of Parliament against common sense is void. To make a man *King*, and not suffer him to exercise *Kingly Power*, is a Contradiction. Some clauses formerly in *Acts of Parliament*, were flattering clauses to satisfy the people, and not
let

let them have the thing. Should this of the *Expedient* be an *Act*, 'tis nonsense, and may be said hereafter, the House of Commons were outwitted. I owe the *Duke* obedience if he be King : but if he be King, and have no power to govern, he is the *King* and no *King*. I have urged this to shew, that this is no *Expedient*, it blears only peoples Eyes, and is no solid security. To say the *Duke* values his Estate, which he may forfeit, &c. He loves a Crown too very well, therefore you are not to arm your self in point of Conscience, but in point of Reason. The last *Parliament* I did see, by the management of the *Papists* and the *Ministers*, that without *this Bill of Exclusion*, our ruine is irresistible. If the *Duke* come to the *Crown*, he brings with his Religion *Merum Imperium*, and that made me fond of the Bill ; but if by Law the *Duke* never was King, there is no Case of Conscience lies upon us in his *Exclusion*. I will only make this Observation of the *King's Speech*, in relation to this Question— And if it be practicable, the ridding of our selves quite of that Party, &c. and not to lay so much weight upon one *Expedient*, as to determine all others are ineffectual. Vide *Speech*. The two main points (it seems) the *King* doubts himself, and all this delivered by the *King* in great Wisdom, is clipt off to *this Expedient of the Regency*. You see now we come to *Expedients* ; the *Ministers* have had *two Parliaments* to consider it, and now we are come to *this Expedient of the Regency*. I find no security in Law by this *Expedient* ; you take away nothing by this *Expedient*, and therefore

I hope the *Bill of Exclusion* will pass. I hope that Reason, and not great Offices, will take men off from their *Nemine contradicente*. I speak this as if I were a dying man, and humbly move for the *Bill*, &c.

H. B. I have it in command from my Country, *That they apprehend no Expedient to secure us from Popery*, but that the Remedy will be worse than the Disease, *unless this Bill*. I have heard as yet no Reason given against it. But there is an *aliquid latet*. If the D. be not set aside, I am sure the Government will be; and therefore I am for *the Bill of Exclusion*, &c.

Sir T. M. I know not how far Sir Fr. W's. Argument may be prest, what *Bill* soever we may have. Pray let us have the *Law* on our sides, that if the K. should dye, we may know whether we are to go. I think the K's *Speech* is penned as it ought to be penned; and should a K. speak positively to what *Laws*. He would have, we are an *Irish* Parliament, and not an *English*; but the K's words are tender words. The thing lies fairly before you, if any *Expedient* can be thought of, not to destroy the *Monarchy*; and if the next presented be not the best, not to refuse the next.

E. V. You have had an *Expedient* offered you of a *Regency*, &c. instead of *the Bill of Exclusion*, &c. Pray consider what this *Regency* is. 'Tis the whole Office of a *King*, to appoint *Judges*, call *Parliaments*, &c. This Power they would take away from the *Duke*. But if by *Law* they will reserve the name of *King* to the *Duke*, 'tis to bring a War upon us, and to bring the *Duke* in by force. This *Regency* must
be

be supported by War, as well as *the Bill of Exclusion*. By the 13 *Eliz.* the *Crown* is not alienable by the *K.* but may be alienated by *King, Lords, and Commons*. And when that Statute was made, no *Successor* was named, to keep *King James* in awe; which I conceive was the Reason why none was named in the last *Bill of Exclusion*. Though we have been frighted out from that *Bill* by *Prorogations* and *Dissolutions*, yet 'twill not frighten them whose Reasons go along with it. And I am for that *Bill*, because all men are for it, and have sent up the *same Parliament* again that past it. But if you lead people into uncertainties in the Government (as this Project of *Regency* undoubtedly will do) the *Court* and the *Country* will be of a mind to lay aside *Parliaments*, because they are useless.

Sir H. C. Peoples eyes are now enlightned, and all the World over they are an informed people. The *Papists* care not who is *K.* if he be a *Papist*. And so he proceeded much to the same purpose in several Speeches in the last *Parliament*.

Col. G. L. I would not have spoke so much out of Duty to my Master, but for the Duty I owe to my Country. I owe a new Obligation to the *K.* for I am the *D's* Servant from the *K.* My Father was a Servant to the late *K.* and *this*; and I have my Protection under Him. I was bred in *England*, and for his Service at Sea. I know my own weakness, not being bred to the Law; but by enquiry I find, that the Doctrine of disposing a Kingdom from the Right Heir is Damnable: and 'tis the Doctrine of the Church of *Rome*. I have heard that in the 24 *E. 3.* the *K.* demanded Advice of the *Parliament*, in matters

ters relating to the Crown. The Answer was by the whole *Parliament*, *They could not advise in any thing relating to the Crown, nor of Disinheriting Him to whom they were sworn.* The Fundamental and Common Law of England has made the *Duke* Heir to the Crown, if the K. have no Sons. The Title of *Hen. 4.* was confirmed by *Parliament*, but he laid his Claim of Descent from *H. 3.* and it continued in that Descent till *H. 6.* and then the *Parliament* declared that those *Acts* were not binding, but unjust; and declared the Oaths of Allegiance to those Kings infamous and wicked; and so the Right Heir came in. *H. 8.* had Power to dispose of the *Crown*, by his last Will and Testament, to place and displace the *Crown* at his pleasure, yet all his right Heirs came to the *Crown*, though *Jane Gray* claimed it by vertue of that Will, and baited her Title with Religion. Queen *Elizabeth* made a Law, *That whoever did maintain, That the Crown could not be disposed of by Parliament, should be Guilty of Treason, &c. and for ever after of Præmunire.* But since that, there is a Restitution of King *James*, which acknowledged him lawfully, rightly, and justly the next Heir to the *Crown*, and did beseech the K. to accept of their Allegiance to him and his Posterity: And I think our Ancestors swore to the K. and his Posterity, as well as we. 'Tis a great Happiness to this Nation that both the Lines are united, and that we are rid of the Misfortunes of the *Barons Wars.* We have had Attempts to turn the *Government* into a *Republique.* And who knows but that if you put by the Right of the *D.* the Revenue of the *Crown* being

being much upon the People, but that there may be Attempts to turn the *Government* into a *Republick* again? When my Father was in Prison in the late Troubles, an eminent man then in Power, in Discourse with him, said, *I have obliged you, and if the K. come in, as I believe he will, then think of me; Look to your selves when you are in the Saddle again: If once you divide, adieu to Monarchy for ever.* If you keep out the *D.* what must follow? *An Act of Association;* I speak now for *England*, and for my Posterity (I have seven Children.) How will this look? The Kings Father Murder'd, and his Brother taken from Him; Will this take no effect with the *King*? I wish the *Duke* many happy days, but the *King* more from my heart than the *Duke*. The *King* is a healthful Man, and the *Duke* is not. I am not barely the *Duke's* Servant, which makes me concern my self, nor out of pique of Honour would I do any thing to destroy my Posterity. Therefore I am against the *Bill*, &c.

Sir *W. C.* That which calls me up, is to answer something that was said by the worthy Member that spoke last; I am for the *Bill of Exclusion*, (and was so the last *Parliament*;) because I am clearly satisfied there can be no Security without it: But I must so far agree with him, that this *Bill* (if it should pass) will not be a full and compleat Security. But—
Here being an Interruption by a noise in the House, this Gentleman proceeded no further.

Col. B. This is the day of *England's* distress, and not only *England*, but upon this days Debate depends the good Fate of the Protestant Religion

Religion all the World over. Except you expect a Miracle from Heaven, nothing else can save the *Protestant Religion*, but this *Bill of Exclusion*. I think I have said this many years ago, *That Popish Matches would bring in Popery at last*. As to the point of Law (spoken of) that 'twill be interpreted according to the strength of the Party—— But I doubt not, if we do our endeavours, God will help us, if we have nothing left us but Prayers and Tears. We are in condition of Conquest or Compact, and so is all Government. Interest must defend this *Bill*, and not an Army; we are the Army. I have a Family as well as others, and where Idolatry must be set up; and rather than my Children should breathe in such an Air, I had rather they were buried, and had all the mischiefs in the World. Col. L. ingenuously offer'd some things; but without this *Bill* you may sit down, take a *Popish Successor*, and renounce the *Protestant Religion*. I would break this *Popish* Interest, and then Interest will maintain this *Bill*. If once this *Bill* pass, and as in Queen *Elizabeth's* time Protestants are put in places of Trust, you need not fear the disturbance spoken of. Where ten were of this mind, an hundred are now that will bleed for this *Bill*. In plain *English*, let the World see that the *Protestant Religion* is dear to us, and we shall have the *Law* on our sides.

Sir T. Litt. I was mistaken by some Gentlemen in what I said: I shall be very short and tender of the time, because 'tis late. That of the Lady *Mary's* Regency obviated an absurdity in the former *Bill*. If the *Duke* should have a
Son,

Son, where are you then? The Lady cannot descend from the Throne, having possess'd it. But my meaning was, that the two *Princesses* respectively should Succeed in the *Regency* during the Minority of that Son. *The Bill of Exclusion* is so weak a thing, that 'twill need all the Props to support it. And a train of consequences will follow it. What is told you of *Scotland*, is worth your considring; if *Scotland* be not consenting to it, I know not how you'll obviate that. It unites the *Papists* of *England* and *France*, which we ought above all things to prevent.

H. B. He may be convinced by his own Argument. For by so much the easier 'tis for the *Princess of Orange* to descend from her Authority of *Regent*, so much the less is our Security. And for *Scotland*, the same Interest that passes this *Bill* here, will do it in *Scotland*, and in *Ireland* there is no need of it. By this Proposition of the *Regency*, all Commissions Military by Sea and Land, Church and Law, are to go on in the *Duke's* Name. And if all Dispatches under the Great Seal must go under his Name, we can have no Security. The Oaths of Allegiance and Supremacy can be taken to none but Him; and if that be granted, *That 'tis unlawful to take up Arms against the K. or these Commissionated by him* — If that be not a true Proposition, I know not why that Declaration was made: It lies loose to me, I must confess this *Expedient* seems to me, as if a man that scorched his shins at the Fire, instead of removing himself farther off, should send for a Mason to remove the Chimney back. I have heard from
Lawyers

Lawyers, That if a man do make a Free-hold Lease, to begin from the date thereof, 'tis void. It would be more ingenuous for the Gentlemen to say, If you do pass the *Bill to exclude the Duke*, they will not be bound by it, they will have the *D.* to succeed; and then I wish they would tell us what will save the *Protestant Religion*. If the *Duke* come to the *Crown*, will Gentlemen chuse either to be *Papists*, or *burnt*, or *hang'd*? I have no disrespect to the *Duke*, if this Proposal could keep out *Popery*: But if I am to leap over a River, I had rather have no Staff, than a broken one. This can be no Security. If you leave it in the Power of the Council to make War and Peace, and dispose of Money, pray then where is the Government? Either they will be faithful, and keep the *Law of Regency*; or the *King* must be *King* but in name, and they the Soul of the Government. I have heard the *Expedients* with patience, and have not been over-hasty to put the *Question*. But I see no Remedy to save *Religion*, unless *excluding the Duke*: Therefore pray put the *Question* for the *Bill*, &c.

The Question was stated.

R. H. You have been moved to add to the *Duke's Exclusion*, all other *Popish Successors*. This is a *Bill* on purpose to *exclude the Duke only*. You may *exclude* all other *Papists* from *succeeding*, &c. in another *Bill* by it self. But I observe, that the way to lose a *Bill*, is to clog it.

H. C. I shall only observe, that by the last *Bill of Exclusion*, if the *Duke* should turn *Protestant*, he will be *excluded*; and if the Princess of *Orange* turn *Papist*, she is not *excluded*. Vid. *the Vote for the Bill in Print.* In

In the Afternoon.

*An Account given of the Lords throwing out the
Impeachment of Fitzharris.*

Sir T. L. **I** See by the Lords refusing this Impeachment, no farther use of a *Parliament*. They will be a Court, or not a Court, to serve a present purpose.—

Sir W. J. In a Matter so plain, and which concerns the very Being of *Parliaments*, I am unwilling to make unnecessary doubts. If an Action be brought in the lower Courts, it does not hinder that Action being brought in *Westminster-hall*, if no Judgment upon it; and it holds the like in this Case. *Indictments* were brought against the *Lords* in the *Tower* at *Common-Law*, and yet was no impediment to their *Impeachment* in the *Lords House*; but here is no *Indictment* or *Prosecution* brought against *Fitzharris*. We have an Instance fresh in memory: The Lord Chief-Justice *Scroggs*, a Commoner, and not Indicted at *Common-Law*, yet the *Lords* without any scruple accepted his *Impeachment*, so that we need not spend our time to search *Presidents*. Perhaps the *Lords Journals* were not made up, but our *Members* have taken Notes out of the *Minute-Book*—by them we find the *Lords* have determined a great Point. The *Lords Spiritual* as well as the *Lords Temporal* have voted it, which we own not in this *Judicature*, nor I hope never shall; and we are denied Justice by the *Lords Spiritual*, who have no Right to vote. This is doing a double Act

of Injustice. And since the *Lords* have taken upon them to throw out the *Impeachment* of *Fitzbarris*, let us vote, *That the Commons have a Right to Impeach in Capital Cases; and that the Lords have denied us Justice, in refusing the Impeachment.* And after you have asserted your *Privileges*, then draw up *Reasons* for maintaining them. And if the *Dissolution* of the *Parliament* follows, it's the fault of those *Men* who will not hear our *Reasons*, and in a *Parliamentary* way at a *Conference* shew how unwarrantable the *Lords* *Actions* have been in their way of proceeding.

Sir F. W. If this *Impeachment* of *Fitzbarris* was of so ordinary a nature as a *Monopoly*, &c. I should not press upon this matter: But this is not an ordinary *Accusation*, but that which relates to our *Religion* and *Property*; and how the *Bishops* come to stifle this, let God and the *World* judge. I would know, if a man be impeached by the *Commons*, and no *Indictment* against him, (only the *Attorney General* told the *Lords*, that the *King* gave *Directions* he should be prosecuted, and no *Record* against him) whether this is a *Ground* to deny our *Impeachment*? If the *Lords* will vote that the *Commons* shall not impeach him, they may as well vote they shall not be *Prosecutors*; but yet we will be so. This is a *New Plot* against the *Protestants*, of which *Fitzbarris* is accused, and we must not impeach him; in this the *Lords* fairly say, *We must not hear it.* If this be the *Case*, I desire you'll come to some *Vote*. You are willing to discover the *Plot* if you could. If the *Attorney-General* had prepared a *Prosecution* in

in an *Inferiour Court*, and they had proceeded to Judgment, then it is pleaded in Bar to the Judgment of a *Superiour Court*. If our Time be short, (as I believe it is) pray do not delay to come to some Resolution; if the House be satisfied in it, pray make a Vote to assert your Right. A little while ago, when the Duke was presented for a *Papist*, the *Grand-Jury* you know was dismiss'd by Chief-Justice, &c. This seems as if the Lords were bound in Honour to justify the Judges Proceedings by their own. 'Tis a reflection of weakness in a man, who doubts in a plain matter, and if no man doubts our Right, pray vote it so.

Sir R. H. I am glad we are off from the great thing yesterday, I cannot believe but that the *Lords* have Judgment enough to have cause for what they do, and in this Cause of *Fitzbarris's* Impeachment. In this matter, Presidents you need not search. This of *Fitzbarris* seems to me to be a more dangerous breath than usual, a breath fit to be stifled; there is something in this more than ordinary. If there be so sacred a respect to the common Trials of *England* in *Inferiour Courts*, 'tis strange that the *House of Commons* should be below a common Jury. If in the Case of *Skinner*, and the Fact done beyond the Sea, the *Lords* contended with the *Commons* about judging it, though it was an Original Cause, this was no great value of the Law of *England*. But it seems they value *Fitzbarris*, to keep him from us. When I have heard in all the Speeches to day, that the *Duke* does not go single,—and have heard so excellent Discourses to day

of that matter, I am loth to mingle my weakness.— But such Counsel as this, the King hereafter will have no cause to thank them, for involving him in the fatality of those Counsels ; as if they would make the Libel of *Fitzharris* the Copy of their Counsels. *Dangerfield* was reputed a most infamous Person ; yet if he would speak what he knew, nothing of mercy was too big for him : But *Fitzharris* is a Man of no Infamy, and yet they hurry him away to the *Tower*, when he began to confess in *Newgate*. Are you so lost, that you have no mercy left for the *Protestant Religion* ? This is strange, if the terror of his Condition make him confess the whole *Plot*, and he be taken out of our Hands. We hear of other things, as that the *French Ambassador* had a hand in this *Plot*, which a *Jury* will not inquire into ; their Business is only, whether *Fitzharris* be guilty or not guilty of the *Indictment*. I must confess, that with the carriage of this, I have enlarged my suspicion, for I cannot but suspect unusual ways. The worst of Mankind, with all his Villanies about him, has been pardoned. — Is there in this any provocation given by us ? But something depends upon this Man, as well as upon the Bill to day. When you was told by *Secretary J.* *He would not carry the Impeachment, &c.* and the House would make no Breach, by taking any severe Course against him, but pass it over with temper—sure we must not lay down all Prosecution of the *Plot*, and say, that the *Protestant Religion* shall have no mercy. *Fitzharris* may merit mercy by Confession ; and if his Breath be stopt by the *Lords*, I

am sorry that people will say, *If it were not for the Lords, Fitzharris might have discovered all the Conspiracy, and the Protestant Religion might have been saved.* I Move therefore, that in your Vote you will not only say, *That denying this Impeachment, &c. tends to the subverting the Constitution of Parliament, but of the Protestant Religion also.* And I hope we shall proceed in this with the same calmness of mind that every man does wish, who would not lose his Religion.

Serj. M. A Plot we all know has been on foot in England, and I am sure in Ireland too, and what Arts and Crafts have been used to hide the Plot? It began with Murder and Perjury, and false Subornation, and this of *Fitzharris* is a second part of that. We have sent up an *Impeachment against Fitzharris*, and the Lords deny to receive it. In effect they make us no Parliament if we are the Prosecutors, and they will not hear our Accusation; 'tis strange, when their own Lives as well as ours are concerned in the Plot. The same day we *Impeach Fitzharris*, the Lords Vote, *we shall not prosecute him.*

— Now when all is at stake, we must not prosecute. If this be so, *Holland and Flanders* must submit to the *French*, and they run over all. This is a strange Breach of Privilege, and tends to the Danger of the King's Person, and Destruction of the *Protestant Religion.*

Sir T. P. This of *Fitzharris* is a considerable Confirmation of the former Plot; I call it the *Old Plot*, but 'tis still new upon us. This is a confirmation of the Design to *Murder the King*, and the *Duke* consenting to destroy his own

Brother and our *King*. I have often heard it whisper'd, that this Plot was *Madams Design* at *Dover*. 'Tis plain that *Justice Godfrey* was Murdered, and that the Army at *Blackbeath* was to destroy the Protestants in *Holland*, and to awe the City of *London*. When *Fitzbarris* was in an Inclination to discover what he knew, and two or three Honourable Members went to Examine him, this man was fetch'd the next day to *Whitehall*, and sent to the *Tower*, and so we were deprived of all farther hopes of Discovery. We have received the *Information* he gave, and now that the *Man* may be in no capacity to discover farther, they stop his Mouth. I Move therefore, that you will Declare, *That if any Judge, Justice, or Jury proceed upon him, and he found Guilty, that you will declare them Guilty of his Murder, and Betrayers of the Rights of the Commons of England.* [Vid. the Printed Votes.]

Sir *W. J.* Now the *House* has done as much as is fit for the Lords, but we do not know how *Inferiour Courts* will proceed; therefore I'll propose a Vote, *That if any Inferiour Court shall proceed, &c.* [which pass, Vid. the Print.] I would not give occasion to people to say, we do things in an extraordinary manner. 'Tis late, and pray let's Adjourn.

Monday,

Monday, March 28. 1681.

The Bill for Excluding the Duke, &c. read.

Sec. 7. **N**O Bill was ever offered in Parliament of the like nature, so much against the Justice of the Nation; it condemns a Man never heard, and then 'tis a Law made *ex post facto*. — Very extraordinary — against the Fundamental Justice of the Nation; and not only that, but against the wisdom of the Nation, and will introduce a change of the Government. If the Duke will try to cut this Law with his Sword, if he overcome, he will have the same power to set aside all Laws, both for *Religion & Property*: the power will be in the hands of the Conqueror, and certainly he will change the Government. 'Tis against the *Religion* of the Nation, which teaches us to pay Obedience to our Governours, whether good or bad, never so faulty or criminal. In Primitive Christianity, Obedience was paid to Heathen Princes, *in licitis & honestis*; and we are not to do evil that good may come of it, nor on the prospect of any good. I shall say one word more, 'tis against the Oaths of the Nation, of Allegiance and Supremacy. The Duke is the King's Lawful Heir, if he have no Son, and in the Eye of the Law I am sworn to him, and every Oath is in the sense of the Law-giver. If this Disinheritson pass now into a new Law, who dispenses me from that Oath to the King? Possibly I am too tedious, and not willingly

willingly heard.— If the *Bill* be against the *Religion* of the Nation, being obliged by Oaths, against the *Government* and the *wisdom* of the Nation, I hope you will throw it out.

T. B. Sec. J. has moved to throw out the *Bill*, and desired to be heard patiently ; I find no body second him, pray let him go on and second himself. *Ordered a second Reading.*

Sir W. J. Because there has been much discourse in the Town of the Votes that past on Saturday, upon the *Lords Spiritual and Temporal rejecting the Impeachment*, &c. though I believe what is done will be made good, yet I would for the present, give the Nation all the satisfaction we can, that we are in the right. Amongst our misfortunes in being called to this place, we are far remote from *Records* and *Books* ; but yet I think it may be easie to prepare our selves to maintain what we have done. According to the little light I have, I find it the undoubted Right of the *Commons*, not only to bring *Impeachments* against *Lords*, but against *Commons* too. *Magna Charta* does not only say, *Per judicium Parium*, &c. but *per Legem Terræ*, &c. Tryal by Parliament is *Lex Terræ*. I have heard of a Record, 4 E. 3. where when the Earl of March—

The Black Rod came to command their Attendance in the House of Lords, whither they immediately went, and the Lord Chancellor by Command of the King Dissolved the Parliament.

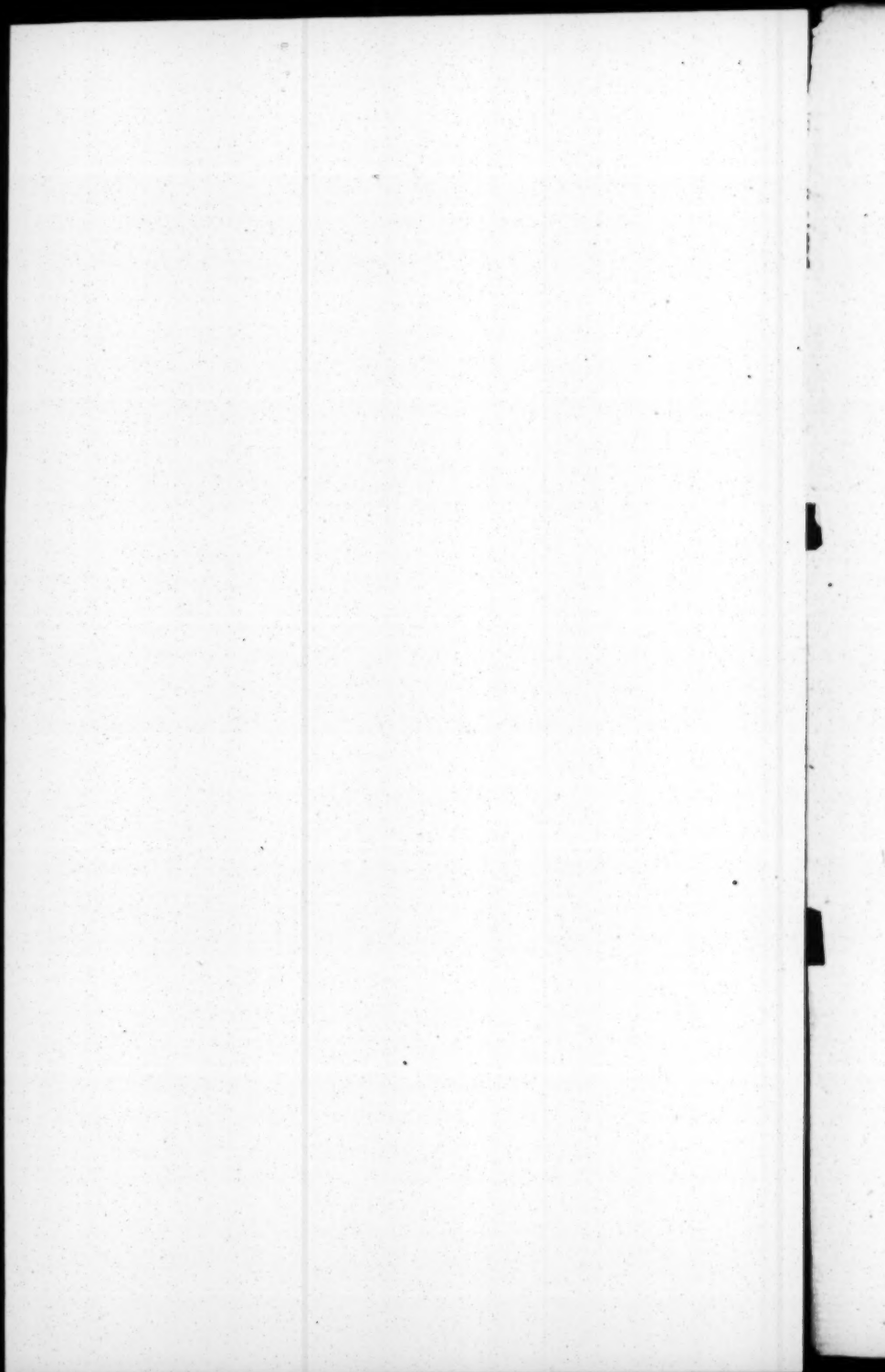
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THE
OXFORD
LIST

OF THE
Names of the **K**NIGHTS,
CITIZENS, **B**URGESSES
and **B**ARONS of the Cinque-
Ports, that were **R**ETURNED to
serve in the Parliament Assembled
at *Oxford* the Twenty first of
March, 16th₈₇

Note that those that have this Mark [] were not
Members of the Last Parliament.*

Bedfordshire. 4.

William Lord Ruffel.
Sir Humpry Monoux Bar.
Town of Bedford.

Pawlet St. John Esq;
Sir William Franklin Knight.

A a

Verks

Berks, 9.

William Barker Esq;
Richard Southbey Esq;
 Borough of *New-Windsor*.
Samuel Starkey Esq;
Richard Winwood Esq;
 Borough of *Reading*.
John Blagrave Esq;
Nathan Knight Esq;
 Borough of *Wallingford*.
Scory Barker Esq;
 * *Taverner Harris* Esq;
 Borough of *Abingdon*.
Sir John Stonehouse Baronet.

Bucks, 14.

Thomas Wharton Esq;
Richard Hampden Esq;
 Town of *Buckingham*.
Sir Richard Temple Knight of the *Bath*,
 and Baronet.
 * *Sir Ralph Varney* Knight and Bar.
 Borough of *Chipping-Wiccomb*.
Sir John Borlase Baronet.
Thomas Lewis Esq;
 Borough of *Aylesbury*.
Sir Thomas Lee Baronet
Sir Richard Ingoldsby Kt. of the *Bath*.
 Borough of *Agmondesham*.
Sir William Drake Knight.
 * *William Cheney* Esq;
 Borough of *Weddover*
John Hampden Esq;

Edward

(355)

Edward Blackwell Esq;
Borough of *Great-Marlow.*
John Boylace Esq;
* *Thomas Hobby Esq;*

Cambridge, 6.

Sir Levinus Benet Baronet.
Sir Robert Cotton Knight.
University of *Cambridge.*
Sir Thomas Exon Knight.
* *Robert Bradey* Doctor of Physick.
Town of *Cambridge.*
William Lord Allington
Sir Thomas Chicheley Knight.

Chester, 4.

Henry Booth Esq;
Sir Robert Cotton Knight and Barronet.
City of *Chester.*
William Williams Esq; Speaker.
Roger Whitley Esq;

Cornwall, 44

Francis Roberts Esq;
Sir Richard Edgcumb Kt. of *Bath;*
Borough of *Danby,*
alias *Lanceston.*
Sir Hugh Piper Knight.
William Harbord Esq;

A a 2

Borough

Borough of *Leskard*.

Sir Jonathan Trelawney Baronet.

John Buller Esq;

Borough of *Lestwithiel*.

Sir John Carew Baronet.

Walter Kendall Esq;

Borough of *Truro*.

Edward Boscawen Esq;

* *Henry Ashhurst* Esq;

Borough of *Bodmin*.

Hender Roberts Esq;

Nicholas Glynn Esq;

Borough of *Hellston*

* *Charles Godolphin* Esq;

Sidney Godolphin Esq;

Borough of *Saltaſh*.

Bernard Greenoil Esq;

Sir John Davis Baronet.

Borough of *Camelford*.

Robert Ruſſel Esq;

Sir James Smith Knight.

Borough of *Port-Pigam* alias

Westlow.

John Trelawney of *Westminſt.* Esq;

* *Jonath. Trelawney* of *Coldrumoch*.

Borough of *Crampound*.

John Tanner Esq;

Nicholas Herle Esq;

Borough of *Eastlow*.

Sir Jonathan Trelawney Baronet.

* *John Kendal* Esq;

Borough of *Pemryn*.

Sir Nicholas Slanning Kt. of the *Bath*,
and Baronet,

Charles

*Charles Smith Esq;*Borough of *Tregony.**Hugh Boscamen Esq;**Charles Trevannian Esq;*Borough of *Bossiney.**Charles Bodvile Roberts Esq;** *Sir Peter Colliton Baronet.*Borough of *St. Ives.**Edward Nese worthy Junior Esq;** *James Prade Junior Esq;*Borough of *Foway.**Jonathan Rashley Esq;**John Tresly Esq;*Borough of *St Germans.**Daniel Elliot Esq;*.00 *Richard Elliot Esq.*Borough of *St. Michael.** *Sir William Russel Knight.** *Henry Vincent Esq;*Borough of *Newport.** *William Morris Esq;**Ambrose Manaton Esq;*Borough of *St. Matwes.**Sir Joseph Tredenham Knight.**Henry Seymour Junior Esq;*Borough of *Killington.**William Coriton Esq;**Richard Carew Esq.***Cumberland, 6.*** *Sir George Fletcher Baronet.**Sir John Lowther Baronet.*

(358)

City of Carlisle.

Edward Lord Morpeth.

Sir Christopher Musgrave Knight.

Borough of Cockermouth.

Sir Richard Grahme Baronet.

Orlando Gee Esq;

Derby, 4.

William Lord Cavendish.

William Sacheveril Esq;

Town of Derby.

Antichel Gray Esq;

George Vernon Esq;

Devonshire, 26.

Sir William Courtenay Baronet.

Samuel Rolle Esq;

City of Exeter.

* Sir Thomas Carew Knight.

* Thomas Walker Esq;

Borough of Totness.

* John Kelland Esq;

* Charles Kelland Esq;

Borough of Plymouth.

Sir John Maynard Knight.

Sir William Jones Knight.

Town of Okehampton.

Sir Arthur Harris Baronet.

Sir George Cary Knight.

Borough of Barnstable

John Bassett Esq;

Richard Lee Esq;

Borough

Borough of *Plympton*.

Sir *George Treby* Knight.

John Pollexfen Merchant.

Borough of *Honiton*.

Sir *Walter Young* Baronet.

Sir *Thomas Put* Baronet.

Borough of *Tavistock*.

Edward Russel Esq;

Sir *Francis Drake* Baronet.

Borough of *Ashburton*.

Thomas Reynel Esq;

* *William Stawel* Esq;

Borough of *Clifton, Dartmouth* and
Hardnes.

Edward Yard Esq;

John Upton Esq;

Borough of *Beralston*.

* Sir *Duncomb Calcheſter* Knight.

* *John Elwell* Merchant.

Borough of *Tiverton*.

Samuel Foot Esq;

Sir *Henry Ford* Knight.

Dorsetshire, 20.

Thom as Freke Esq;

Thomas Strangeways Esq;

Town of *Pool*.

Thomas Chasix Esq;

Henry Trenchard Esq;

Borough of *Dorchester*.

James Gould Esq;

Nathaniel Bond Esq;

Borough of *Lime-Regis.*

Henry Henly Esq;

Thomas Moor Esq;

Borough of *Weymouth.*

Sir John Coventry Knight of the Bath.

Michael Harvey Esq;

Melcom Regis.

Sir John Morton Baronet,

* *Henry Henning Esq;*

Borough of *Bridport.*

William Brag Esq;

* *John Michael Esq;*

Borough of *Shafton,*

alias Shaftsbury.

Sir Matthew Andrews Knight.

Thomas Bennet Esq;

Borough of *Warcham.*

Thomas Erle Esq;

George Savage Esq;

Borough of *Corfe-Castle.*

Sir Nathan. Naper Knight and Baronet.

* *Richard Fowns Esq;*

Durham, 4.

William Bowes Esq;

Thomas Fetherston Hough Esq;

City of *Durham.*

Sir Richard Lloyd Knight,

* *William Tempest Esq;*

Essex, 8.

Henry Mildmay Esq.

John Lemet Honeywood Esq;

Borough of Colchester.

Sir Herbottle Grimston Baronet.

* *Samuel Reynolds Esq;*

Borough of Malden.

Sir William Wiseman Kt. and Baronet.

Sir Thomas Darcy Baronet.

Borough of Harwich.

Sir Philip Parker Baronet.

Sir Thomas Mydalton Knight.

Gloucestershire, 8.

Sir Ralph Dutton Baronet.

Sir John Guise Baronet.

City of Gloucester.

Charles Somers Lord Herbert.

Borough of Cirencester.

Sir Robert Atkins Junior Knight.

Henry Powle Esq;

Borough of Tewkesbury.

Sir Henry Capel Knight of the Bath.

Sir Francis Russel Baronet.

Herefordshire, 8.

John Viscount Scudamore.

Sir Edward Harley Kt. of the Bath.

City of Hereford.

Paul Foley Esq;

* *Herbert Aubery Esq;*

Borough of Lempster.

John Dutton Colt Esq;

Thomas

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Thomas Coningsby Esq;
Borough of *Webley*.

John Birch Esq;

John Booth Esq;

Hertfordshire, 6.

Sir Charles Caesar Knight,

* *William Hales Esq;*

Borough of *St. Albans*.

Sir Thomas Pope Blount Baronet.

Samuel Gringston Esq;

Borough of *Hertford*.

Sir Thomas Bide Knight.

Sir William Cooper Baronet.

Huntingtonshire, 4.

Sir Thomas Proby Baronet.

Silas Titus Esq;

Borough of *Huntington*.

Sidney Wortley, alias Montague Esq;

Lionel Walden Esq;

Kent, 10.

Sir Vere Fane Knight of the Bath.

Edward Deering Esq;

City of *Canturbury*.

* *Lewis Watson Esq;*

* *Vincent Denn Esq;*

City of *Rocheſter*.

Sir John Banks Baronet.

* Sir

* Sir Francis Clerk Knight.

Borough of Maidstone

Sir John Tustrot Knight and Bar.

Thomas Fane Esq;

Borough of Quinborough.

William Glanvill Esq;

* Gerrard Gore Esq;

Lancaster, 14.

Charles Lord Brandon.

Sir Charles Houghton Baronet.

Borough of Lancaster.

Richard Kirkby Esq;

William Spencer Junior, Esq;

Borough or Town of Preston

in Amounderness.

Sir Robert Carr Knight and Barone

Sir Gervas Elwes Baronet.

Borough of Newton.

Sir John Chichley Knight.

Andrew Fountain Esq;

Borough of Wigorn.

* Richard Lord Colchester.

Charles Earl of Ancrum.

Borough of Clithero.

Sir Thomas Stringer Knight.

* Henry Marsden Esq.

Borough of Liverpool.

Ruifsee Wentworth Esq;

John Dubon Merchant.

Leicester,

Leicester, 4.

Bennet Lord Sherrard.

Sir John Hartop Baronet.

Town of Leicester.

John Gray Esq;

Sir Henry Beaumont Knight.

Lincoln, 12.

George Lord Viscount Castleton.

Sir Robert Carr Knight and Baronet.

City of Lincoln.

** Sir Thomas Hussy Knight.*

Sir Thomas Meers Knight.

Borough of Boston.

Sir Anthony Irby Knight.

Sir William York Knight.

Borough of Great Grimsby.

William Broxolme Esq;

George Pelham Esq;

Town of Stamford.

Sir Richard Cust Baronet.

William Hyde Esq,

Borough of Grantham.

Sir William Ellis Baronet.

Sir John Newton Baronet.

Middlesex, 8.

Sir William Roberts Knight.

** Nicholas Raynton Esq;*

City of Westminster.

Sir William Poultene Knight.

Sir William Waller Knight.

London.

Sir Robert Clayton Knight Alderman.

Thomas Pilkington Esq; Alderman.

Sir Thomas Player Knight.

William Love Esq;

Monmouth, 3.

Sir Trevor Williams Baronet.

Sir Edward Morgan Knight.

Borough of Monmouth.

John Arnold Esq;

Portfolk, 12.

Sir John Hobart Baronet.

Sir Peter Gleen Baronet.

City of Norwich.

William Lord Paston.

Augustin Briggs Esq;

Town of Lyn-Regis.

* *Sir Henry Hobart Knight.*

Simon Tayler Esq;

Town of Great Yarmouth.

* *Sir James Johnson Knight.*

George England Esq;

Borough of Thetford.

Sir Joseph Williamson Knight.

William Harbord Esq;

Borough

Borough of Castlerising.
Sir Robert Howard Knight.
James Hoste Esq;

Northampton, 9.

John Parkhurst Esq;
Miles Fleetwood Esq;
City of Peterborough.
** William Lord Fitz Williams.*
Francis St. John Esq;
Town of Northampton.
Ralph Montague Esq;
Sir William Langham Knight.
Town of Brackley.
Sir Richard Wenman Baronet.
** William Lisle Esq;*
Borough of Higham-Ferries.
Sir Rice Rud Baronet.

Northumberland, 8.

Sir John Fenwick Baronet.
Sir Ralph Delaval Baronet.
Town of New-Castle upon Tyne.
Sir Ralph Carr Knight.
Sir Nathaniel Johnson Knight.
Borough of Morpeth.
Sir George Downing Knight and Bar.
Daniel Collingwood Esq;
Town of Berwick upon Tweed.
Ralph Gray Esq;
John Rushworth Esq;

Notting-

Nottingham, 8.

Sir Scroop How Knight.

John White Esq;

Town of Nottingham.

Robert Pierrepont Esq;

Richard Slater Esq;

Borough of East-Retford.

Sir Edward Nevile Knight and Bar.

Sir William Hicman Baronet.

Town of Newark upon Trent.

Sir Robert Markham Baronet.

Sir Richard Rothwel Baronet.

Oxon, 9.

Thomas Hurd Esq;

* *Sir Philip Harcourt* Knight.

University of Oxon.

Sir Leoline Jenkins Knight.

Charles Perrot Doctor of Laws.

City of Oxon.

William Wright Esq;

Broom Whorwood Esq.

Borough of New-Woodstock.

* *Henry Bartie* Esq;


Nicholas Baynton Esq;

Borough of Banbury.

Sir John Holman Baronet.

Rutland, 2:

Phillip Sherrard Esq;

Edward 

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Edward Fawkener Esq;

Salop, 12.

Richard Newport Esq;

William Leveson Gower Esq;

Town of Salop.

Sir Richard Corbet Baronet.

Edward Kimaston Esq;

*Borough of Burges, alias
Bridgnorth.*

Sir William Woitmore Baronet.

Sir Thomas Woitmore Kt. of the Bath.

Borough of Ludlow.

Francis Charleton Esq;

** Charles Baldwin Esq;*

Borough of Great Wenlock.

John Woolriche Esq;

William Forrester Esq;

Town of Bishops Castle.

Sir Richard Mason Knight.

** Richard More Esq;*

Somerset, 18.

Sir William Portman Baronet.

George Speke Esq;

City of Bristol.

** Sir Richard Hart Knight.*

** Thomas Earl Esq;*

City of Bath.

** Maurice Viscount Fitzharding.*

** Sir William Bassett Knight.*

City

*City of Wells.**William Coward Esq;**John Hall Esq;**Borough of Taunton.**Edmund Prideaux Esq;**John Trenchard Esq;**Borough of Bridgwater.**Sir Haswell Tyns Baronet.*** Sir John Mallet Knight.**Borough of Minehead.**Francis Lutterel Esq;**Thomas Palmer Esq;**Borough of Ilcester.*** Sir John St. Barb.*** Thomas Hodge Jun. Esq;**Borough of Milburn Port.**John Hunt Esq;**Henry Bull Esq;***Southampton, 26.**** Charles Earl of Wiltshire. ***Sir Francis Rolle Knight.**City of Winchester.**James Lord Annelley.**Sir John Clobery Knight.**Town of Southampton.**Sir Charles Windham Knight.**Sir Benjamin Newland Knight.**Town of Portsmouth.**George Legg Esq;**Richard Norton Esq;*

Borough of *Yarmouth*.

* *Sir Thomas Littleton* Baronet.

Lemuel Kingden Esq;

Borough of *Petersfield*.

Sir John Norton Baronet.

Leonard Bilson Esq;

Borough of *Newport*, alias
Medona.

Sir Robert Dillington Baronet.

John Leigh Esq;

Borough of *Stockbridge*.

* *Essex Stroud* Esq;

Oliver St. Johns Esq;

Borough of *Newton*.

Daniel Finch Esq;

Sir John Holms Knight.

Borough of *Christs Church*.

Sir Thomas Clarges Knight.

George Fulford Esq;

Borough of *Whitchurch*:

Richard Hylle Esq;

Henry Wallop Esq;

Borough of *Limington*.

Henry Dawley Esq;

John Burrard Esq;

Town of *Andover*.

* *Charles West* Esq;

* *John Collins* Esq;

Staffordshire, 10.

Sir Walter Baggot Baronet.

Sir John Bowyer Baronet.

City of *Lichfield*.

Daniel Finch Esq;

Michael Biddulph Esq;

Borough of *Stafford*.

Sir Thomas Armstrong Knight.

* *Edwyn Skrymsher* Esq;

Borough of *Newcastle under Line*.

Sir Thomns Bellet Baronet.

William Leceston Gower Esq;

Borough of *Tamworth*.

Sir Thomas Thynne Baronet. | By one In-

* *John Swynfen* Esq; | denture.

John Swynfen Esq; By another Inden-

* *John Turton* Esq; ture.

Suffolk, 16.

Sir Samul Barnardiston Baronet.

Sir William Spring Baronet.

Borough of *Ipswich*.

John Wright Esq;

Sir John Barker Baronet.

Borough of *Dunwich*.

Sir Robert Kemp Baronet.

Sir Philip Skippon Knight.

Borough of *Orford*.

Sir John Duke Baronet.

* *Thomas Glenham* Esq;

Borough of *Alborough*.

John Bence Esq;

John Carrance Esq;

Borough of *Sudbury*.

Sir Gervase Elwes Baronet.

Gervase Elwes Esq;

Bb 2

Borough

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Borough of *Eye*.

* Sir Robert Reve Baronet.

* Sir Charles Gaudy Knight and Bar.

Borough of *St. Edmundsbury*.

Sir Thomas Harvey Knight.

Thomas Fermyn Esq;

Surry, 14.

Arther Onslow Esq;

George Evelyn of *Wotton* Esq;

Borough of *Southwark*.

Sir Rich How Knight.

Peter Rich Esq;

Borough of *Bletchingly*.

* Sir William Guston Knight.

George Evelyn of *Nutfield* Esq;

Borough of *Ryegate*.

* Ralph Freeman Esq;

Dean Goodwin Esq;

Borough of *Guilford*.

Richard Onslow Esq;

Morgan Randyl Esq;

Borough of *Gatton*.

Sir Nicholas Carew Knight.

Thomas Turgis Esq;

Borough of *Haslemere*.

* Sir William More Baronet.

* George Woodrooffe Esq;

Sutler, 20.

Sir William Thomas Baronet.

Sir John Fagg Baronet.

City

City of Chichester

John Braman Esq;*Richard Farrington* Esq;Borough of *Horseham.** *John Machell* Esq;*John Michell* Esq;Borough of *Midhurst.** *William Montague* Esq;* *John Cook* Esq;Borough of *Lewis.**Thomas Pelham* Esq;*Richard Bridger* Esq;Borough of *New Shoreham.** *Robert Fagg* Esq;*John Hales* Esq;Borough of *Bramber.** *Peircy Goring* Esq;*Henry Goring* Esq;Borough of *Steyning.**Sir John Fagg* Baronet.* *Sir James Morton* Knight.Borough of *East-Grimstead.** *Sir Cyrill Wyck* Knight.*Henry Powle* Esq;Borough of *Arundel.**Willi. m Garway* Esq;*James Butler* Esq;**Warwickshire, 6.*** *Sir Richard Newdigate* Baronet.* *Thomas Marriot* Esq;

City of *Coventry*.

Richard Hopkins Esq;

John Stratford Esq;

Borough of *Warwick*,

* *Thomas Coventry* Esq;

Thomas Lucy Esq;

Westmoreland, 4.

* *Sir John Lowther* of *Lowther* Bar.

Allan Bellingham Esq;

Borough of *Apulby*.

* *Sackvil Tuston* Esq;

* *Sir John Bland* Baronet.

Wiltshire, 24.

Sir Walter St. John Baronet.

Thomas Thynne Esq;

City of *New-Sarum*.

* *John Windham* Esq;

Alexander Thistlewaite Esq;

Borough of *Wilton*,

Thomas Herbert Esq;

Sir John Nicholas Knight of the Bath.

Borough of *Downton*.

Sir Joseph Ash Baronet.

Maurice Bockland Esq;

Borough of *Hindon*.

Sir Richard Grobham How Kt. and Bar.

* *John Thynne* Esq;

Borough of *Westbury*.

William Trenchard Esq;

* *John Ash* Esq;

Borough

Borough of *Hetsbury*.*William Ash* Esq;*Edward Ash* Esq;Borough of *Calne*.Sir *George Hungerford* Knight.* *Walter Norborn* Esq;Borough of *Devizes** Sir *Walter Earnley* Baronet.* *George Johnson* Esq;Borough of *Chipenhorn*.Sir *Edward Hungerford* Kt. of the *Bath*,Sir *George Speke* Baronet.Borough of *Malmesbury*.Sir *William Escourt* Baronet.Sir *James Long* Baronet.Borough of *Cirklade*.*William Lenthall* Esq;*Edmund Webb* Esq;Borough of *Great Bedwyn*.* Sir *John Earnly* Knight.* *John Wildman* Esq;Borough of *Ludgersale**Thomas Neal* Esq; | by one Inden-*John Gerard* Esq; | ture.* Sir *John Talbot* Knight | by another* *John Smith* Esq; | Indenture.Borough of *Old Sarum*.Sir *Eliab Harvey* Knight.Sir *Thomas Mompeyson* Knight.Borough of *Wooten Bassett*.*Henry St. John* Esq;*John Pledat* Esq;

Borough of *Marlborough*.

Thomas Lord Bruce.

Thomas Benet Esq;

Worcestershire, 9.

Thomas Foley Esq;

* *Bridges Nansan Esq;*

City of *Worcester*.

Sir Francis Winington Knight.

* *Henry Herbert Esq;*

Borough of *Droitwich*.

Henry Coventry Esq;

Samuel Sandys the Elder Esq;

Borough of *Evesham*.

Sir James Rushout Baronet.

* *Edward Rudge Esq;*

Borough of *Bewdley*.

Philip Foley Esq;

York, 30.

Charles Lord Clifford.

Henry Lord Fairfax.

City of *York*.

Sir Henry Thompson Knight.

Sir John Hewley Knight.

Town of *Kingston upon Hull*.

Sir Michael Wharton Knight.

William Gee Esq;

Borough of *Knatsborough*.

Sir Thomas Slingsby Baronet.

William Stockdale Esq;

Borough of *Scarborough*.

William Thompson Esq;

Francis Thompson Esq;

Borough of *Rippon*.

Richard Stern Esq;

Christopher Wandesford Esq; Borough

Borough of *Richmond*.

* *John Darcy* Esq;

Humphry Wharton Esq;

Borough of *Heydon*.

Henry Guy Esq;

William Boynton Esq;

Borough of *Boroughbrigg*.

Sir Thomas Mauliverer Baronet.

Sir John Brooke Baronet.

Borough of *Malton*

William Palmes Esq;

Sir Watkinson Paylet Baronet.

Borough of *Thirsk*.

Sir William Franckland Knight.

* *Sir William Ascough* Knight.

Borough of *Aldborough*.

Sir Godfrey Copley Baronet.

* *Sir John Reresby* Baronet.

Borough of *Beverly*.

Sir John Hotham Baronet.

Michael Warton Esq;

Borough of *Northallerton*.

Sir Gilbert Gerard Baronet.

Sir Henry Calverly Knight

Borough of *Pontefract*.

Sir John Dawney Viscount *Down*

Sir Patience Ward Knight.

BARONS of the CINQUE PORTS 16.

Port of *Hastings*.

Sir Robert Parker Baronet.

* *Thomas Mun* Esq;

Town

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Town of *Winchelsea*.

* Sir *Stephen Leonard* Knight.

Cresfeld Draper Esq;

Town of *Rye*,

Sir *John Dorrel* Kt.

Thomas Frewen Esq;

Port of *New-Rumney*.

Sir *Charles Sedley* Baronet.

Paul Barrer Esq;

Port of *Hythe*.

Sir *Edward Deering* Baronet.

Edward Hales Esq;

Port of *Dover*

William Stokes Esq;

Thomas Papillion Esq;

Port of *Sandwich*.

Sir *James Oxinden* Knight and Bar.

John Thorbame Esq;

Port of *Seaford*.

* *Edward Montague* Esq;

* *Edward Selwyn* Esq;

W A L E S. :

(24.)

Anglesey, 2.

Richard Bukeley Esq;

Town of *Bewmorriss*

Henry Bukeley Esq;

Brecon

Brecon, 2.

Richard Williams Esq;
Town of *Brecon.*
John Jefferies Esq;

Cardigan, 2.

Edward Vaughan Esq;
Town of *Cardigan*
Hector Phillips Esq;

Carmarthen, 2.

John Lord Vaughan Kt. of the Bath.
Town of *Carmarthen.*
Alban Vaughan Esq;

Carnarvan, 2.

Sir Thomas Bukeley Kt. and Baronet.
Town of *Carnarvan.*
Thomas Mosteyn Esq;

Denby, 2.

Sir John Trevor Knight,
Town of *Denby.*
Sir John Salisbury Baronet,

Flint,

Flint, 2.

* *Sir John Hammer* Kt. and Baronet.
Town of *Flint*.

* *Thomas Woitley* Esq;

Glamorgan, 2.

* *Sir Edward Mansel* Baronet.
Town of *Cardiffe*.

Buffy Mansel Esq;

Merionith, 1.

* *Sir Robert Owen* Knight.

Pembroke. 3.

* *William Wogan* Esq;
Town of *Haverford-West*.

* *Thomas Howard* Esq;
Town of *Pembroke*.

Arthur Owen Esq;

Montgomery, 2.

Edward Vaughan Esq;
Town of *Montgomery*.

Matthew Price Esq;

Radnor,

(381)

Radnor, 2.

Sir Roland Gwynne Knight.

Town of Radnor.

** Sir John Morgan Baronet.*

The COMMONS

In all 513

New Members returned 110.

BUT

BUT after all these forementioned Debates so solemnly, so maturely and deliberately argued in the Houses, and the Advice of the Commons of *England* so sincerely and cordially given upon the most weighty and important Affairs of the Kingdom; His Majesty sway'd by the extravagant Counsels of his Self-interested Courtiers, in a hurry, was pleased to dissolve the Parliament.

But finding the Nation dissatisfied with such violent Proceedings, he found it necessary to put forth a Declaration to all his loving Subjects, signed *Francis Gayn*, and ordered to be read in all Churches of *England*, declaring the Causes and Reasons that moved him to dissolve the two last Parliaments, which ran to this effect.

That he was much troubled to be brought to the Dissolving the two last Parliaments, without any more benefit to the People, but that having done his part in providing them so many Opportunities for their Good, it could not be justly imputed to him, that the Success did not answer his Expectation.

Therefore he could not but at that time take notice of the particular Causes of his Dissatisfaction, recommended at the beginning of the last Parliament, to their Care to avoid. To which purpose, at the last Parliament held at *Westminster*, he had expressed his readiness to satisfy their Desires, to secure them against all their just Fears of his not preserving the established Religion, and Liberty and Property of the Subjects at Home, and supporting his Allies abroad.

To which intent, he solemnly declared his Resolutions to have complied with them in any thing
 so

so far as would have been consistent with the Being of the Government.

In order whereunto, he asked them to support his Alliances for the general Peace of Christendom; he recommended to them the farther Examination of the Plot; he desired their Advice for the Preservation of *Tangier*, and offered all Remedies for the Preservation of the Protestant Religion, that the Succession might be preserved in its due and legal Course. To all which, he met with unfutable Returns of Addressses more like Remonstrances, Arbitrary Orders, and strange illegal Votes for Matters that had no relation to Priviledges of Parliament, viz.

That no Man should lend any Money upon the Branches of the Kings Revenue; nor buy or pay any Tally of Anticipation upon any part of the Kings Revenue.

Which Votes, not only disabled him to support his Allies, and preserve *Tangier*, but exposed him to all Dangers that might happen at home or abroad.

That the same Month they passed another Vote, That the Prosecution of Protestant Dissenters was a Grievance to the Subject, &c. By which Vote, they assumed to themselves a Power of suspending Acts of Parliament.

That these Proceedings caused him to part with the first Parliament, and to assemble another at *Oxford*, who had warning given them of the Errors of the former, and were required to make the Laws of the Land their Rule, adding withal, that he could not depart from what he had formerly declared concerning the Succession; yet
that

that he was ready to hearken to any Expedient, by which the Religion established might be preserved, yet Monarchy not be destroyed.

Nevertheless, That no Expedient would be entertained, but a total Exclusion, which so nearly concerned him in Honour, Justice and Conscience, that he could not consent to it; Besides that, he had reason to believe, that had he consented to the Exclusion, the Parliament would have attempted Changes of greater Importance.

That the business of *Fitz-Harris* was carried on to that extremity, that there was no hopes of a Reconciliation. They having voted that their Refusal of his Impeachment by the Lords was a Denial of Justice, and a Violation of the Constitution of Parliaments, an Obstruction to the farther Discovery of the Plot, and of great danger to his Majesties Person and the Protestant Religion. All which, in his Opinion, put the two Houses out of a Capacity of transacting Business together, and consequently was the greatest Violation of the Constitution of Parliaments. And that these Heats between the two Houses, and Disappointments of the Publick Ends, caused him to put an end to that Parliament likewise.

However, that notwithstanding the Malice of ill Men, who laboured to persuade the People that he intended to lay aside the Use of Parliaments, he declared that no Irregularities in Parliaments should ever make him out of Love with them; but that on the other side, he was resolved to have frequent Parliaments, and in the Intervals, to use his utmost Endeavors to extirpate Popery, and redress the Grievances of his Subjects; hoping at the next meeting in Parliament, to perfect all that Settlement which should be found wanting either in Church or State.

A
JUST and MODEST
VINDICATION
OF THE
PROCEEDINGS
Of the Two Last
Parliaments.



LONDON, Printed in the Year, 1689.

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THE Amazement which seiz'd every good Man upon the unlook'd for Dissolution of two Parliaments, within three Months, was not greater than at the sight of a Declaration pretending to justify, and give Reasons for such extraordinary Proceedings.

It is not be denied, but that our Kings have in a great measure been intrusted with the power of Calling and Declaring the Dissolutions of Parliaments. But least through defect of Age, Experience or Understanding, they should at any time forget, or mistake our Constitution; or by Passion, private Interest, or the Influence of ill

Counsellors, be so far misled as not to Assemble Parliaments, when the publick Affairs require it ; or to declare them Dissolved before the ends of their Meeting were accomplished : The Wisdom of our Ancestors has proved by divers Statutes,

4 Edward 3. c.
14. 36 Edward
3. c. 10. 2 Richard
2. Nu. 28.

both for the holding of Parliaments Annually, and that they should not be prorogued or Dissolved till all the Petitions and Bills before them were answered and redressed. The Consti-

tution had been equally imperfect and destructive of it self, had it been left to the choice of the Prince whether he would ever Summon a Parliament, or put into his power to dismiss them Arbitrarily at his pleasure.

That Parliaments should thus meet, and thus sit, is secured to us by the same Sacred Tie, by which the King at his Coronation does oblige himself, to let his Judges Sit to distribute Justice every Term, and to preserve inviolably all other Rights and Liberties of his Subjects. Therefore abruptly to Dissolve Parliaments at such a Time, when nothing but the Legislative Power, and the United Wisdom of the Kingdom could relieve us from our Just Fears, or secure us from our certain Dangers, is very unsuitable to the great Trust reposed in the Prince, and seems to express but little of that Affection which we will always hope his Majesty bears towards his People and the Protestant Religion. But 'tis not only of the Dissolution it self that we complain : The manner of doing it, is unwarranted by the Precedents of former Times, and full of dangerous

rous Consequents. We are taught by the Writ of Summons, that Parliaments are never called without the Advice of the Council, and the usage of all Ages has been never to send them away without the same Advice. To forsake this safe Method, is to expose the King personally to the Reflections and Censures of the whole Nation for so ungrateful an Action. Our Laws have taken care to make the King always dear to his People, and to preserve his Person Sacred in their Esteem, by wisely preventing him from appearing as Author of any thing which may be unacceptable to them. 'Tis therefore that he doth not Execute any considerable Act of Regal Power, till it be first debated and resolved in Council, because then 'tis the Counsellors must answer for the Advice they give, and are punishable for such Orders as are Irregular and Illegal. Nor can his Ministers justify any unlawful Action under the Colour of the King's Commands, since all his Commands, that are contrary to Law, are void; (which is the true Reason of that well known *Maxim*, *That the King can do no wrong*.) A *Maxim* just in it self, and alike safe for the Prince, and for the Subject, there being nothing more absurd, than that a Favourite should excuse his enormous Actings by a pretended Command, which we may reasonably suppose he first procured to be laid upon himself: But we know not whom to charge with Advising this last Dissolution: It was a work of Darkness; and if we are not misinform'd, the Privy Council was as much surpriz'd at it as the Nation.

Nor will a future Parliament be able to charge any Body as the Author or Adviser of the late Printed Paper, which bears the Title of *His Majesty's Declaration*, though every good Subject ought to be careful how he calls it so. For his Majesty never speaks to his People as a King, but either personally in his Parliament, or at other times under his Seal, for which the Chancellor or other Officers are responsible, if what passes them be not warranted by Law. Nor can the Direction of the Privy Council, enforce any thing upon the people, unless that Royal and Legal Stamp gives it an Authority. But this Declaration comes abroad without any such Sanction, and there is no other Ground to ascribe it to his Majesty, than the uncertain Credit of the Printer, whom we will easily suspect of an Imposture, rather than think the King would deviate from the approved course of his Illustrious Ancestors, to pursue a New and Unsuccessful Method.

The first Declaration of this sort which I never met with, being that which was published in the Year 1628. which was so far from answering the ends of its coming out, that it filled the whole Kingdom with Jealousies, and was one of the first sad Causes of the ensuing unhappy War.

The Truth is, Declarations to justify what Princes do, must always be either needless or ineffectual. Their Actions ought to be such as may recommend themselves to the World, and carry their own Evidence along with them of their usefulness to the Publick; and then no Arts
to

to justify them will be necessary. When a Prince descends so low as to give his Subjects Reasons for what he has done, he not only makes them Judges whether there be any weight in those Reasons, but by so unusual a submission gives cause to suspect, that he is conscious to himself that his Actions want an Apology. And if they are indeed unjustifiable, if they are opposite to the Inclinations, and apparently destructive to the Interest of his Subjects, it will be very difficult for the most Eloquent or Insinuating Declaration, to make them in Love with such things. And therefore they did certainly undertake no easie Task in pretending to persuade men who see themselves exposed to the restless Malice of their Enemies, who observe the languishing Condition of the Nation, and that nothing but a Parliament can provide Remedies for the great Evils which they Feal and Fear; that two several Parliaments, upon whom they had placed all their hopes, were so suddenly broken out of kindness to them, or with any regard to their Advantage. It was generally believed, that this Age would not have seen another Declaration, since *Coleman's* was so unluckily published before its time: Not only because thereby the World was taught how little they ought to rely upon the sincerity of such kind of Writings; but because that was a Master-piece which could hardly be equall'd, and our present Ministers may well be out of Countenance, to see their Copy fall so very much short of the Original.

But should this Declaration be suffered to go abroad any longer, under the Royal Name, yet it will never be thought to have proceeded from his Majesties Inclination, or his Judgment, but to be gained from him by the Artifices of the same ill Men, who not being content to have prevailed with him to Dissolve two Parliaments, only to protect them from publick Justice, do now hope to excuse themselves from being thought the Authors of that Counsel, by making him openly to avow it. But they have discovered themselves to the Kingdom, and have told their own Names, when the number amongst the great Crimes of the House of Commons, their having *Declared divers Eminent Persons to be Enemies to the King and Kingdom.* 'Tis our happiness, that the Cunning of these *Eminent Persons* is not equal to their Malice, in that they should thus unwarily make themselves known when they had so secretly, and with so much Caution, given the pernicious Advice. None could be offended at the proceedings of the Parliaments, but they who were obnoxious; none could be concerned to vindicate the Dissolution, but they who had advised it. But they have performed this last Undertaking after such a sort, that they have left themselves not only without justification, but without all pretence hereafter. The People were willing to think it the Unfortunate Effect of some suddain and precipitate Resolution; but since they have now publickly assured us, that it was the Result of Counsel and Deliberation, they cannot blame us for hoping one day to see Justice done upon such Counsellors.

But

But though to the Dishonour of our Country it does appear, that some *English* Men were concerned in the unhappy Advice, of breaking the two last Parliaments, and setting up this pretended Defence of it ; yet the *Gallicisms* which are found in the Paper shew the Writer to have been of another Nation, or at least to have had his thoughts so much taken up for the Interests of *France*, (whilst he was labouring this way to heighten and perpetuate the differences between the King and his People,) that he could not express himself in any other *Idiom* than theirs, he would not otherwise have introduced the King, saying, That *it was a Matter extremely sensible to Us* ; a Form of Speech peculiar to the *French*, and unknown to any other Nation. The Reader (who understands that Language) will observe so many more of this kind as will give him just cause to doubt, whether the whole Paper was not a Translation, and whether the *English* one, or that which was published in *French*, was the Original ?

Let us then no longer wonder, that the time of Dissolving our Parliaments, is known at *Paris* sooner than at *London*, since 'tis probable, the Reasons now given for it, were formed there too. The Peers at *Oxford* were so totally ignorant of the Council, that they never once thought of a Dissolution, till they heard it pronounced ; but the Dutches of *Mazarine* had better Intelligence, and published the News at *St. James's* many hours before it was done. This Declaration was not Communicated to the Privy Council, till *Friday* the 8th. of *April*, when his Majesty

jesty (according to the late Method) did Graciously declare to them his pleasure, to set it forth, without desiring from them any Advice in the matter; but Monsieur *Barillon*, the French Ambassador, did not only read it to a Gentleman the Fifth of *April*, but advised with him about it, and demanded his Opinion of it, which his Excellency will the better remember, because of the great Liberty which the Person took in Ridiculing it to his Face. Good God! to what a Condition is this Kingdom reduced, when the Ministers and Agents of the only Prince in the World, who can have Designs against, or of whom we ought to be afraid, are not only made acquainted with the most secret Passages of State, but are made our Chief Ministers too, and have the principal Conduct of our Affairs. And let the World judge if the Commons had not reason for their Vote, when they declared those Eminent Persons, who manage things at this rate, To be the Enemies to the King and Kingdom, and Promoters of the French Interest.

Whosoever considers the Actions of our Great Men, will not think it strange that they should be hard put to it to find out Reasons which they might give for any of them, and they have had very ill luck whenever they went about it. That Reason which they had given for Dissolving three several Parliaments successively, is now grown ridiculous, That the King was resolved to meet his People, and to have their Advice in frequent Parliament, since every Man took notice, that as soon as the Ministers began to suspect that his Majesty was inclined to hearken to, and pursue their Advice, those very Parliaments were presently Dissolved.

Dissolved. This was all the Ground and Cause, which was thought of for breaking the last Parliament at *Westminster*, when the Proclamation of the 18th. of *January*, 1680. was published; but they have now considered better, and have found out faults enough to swell into a Declaration, and yet as much offended as they are with this Parliament, they seem more highly angry with that which followed at *Oxford*. Nor is it at all strange that it should fall out so: For the Court never did yet Dissolve a Parliament abruptly, and in a Heat, but they found the next Parliament more Averse, and to insist upon the same things with greater eagerness than the former. *English* Spirits resent no Affronts so highly as those which are done to their Representatives; and the Court will be sure to find the Effects of that Resentment in the next Election. A Parliament does ever participate of the present Temper of the People. Never were Parliaments of more different Complexions than that of 1640. and that of 1661. Yet they both exactly answered the humours which were predominant in the Nation, when they were respectively chosen. And therefore while the people do so universally Hate and Fear *France* and *Papery*, and do so well understand who they are who promote the *French* and *Popish* Interests, the Favourites do but cozen themselves to think that they will ever send up Representatives less Zealous to bring them to Justice, than those against whom this Declaration is published. For surely this Declaration (what great things soever may be expected from it) will make but very few Converts, not only because it represents things as high

high Crimes, which the whole Kingdom has been celebrating as meritorious Actions, but because the people have been so often deceived by former Declarations, that whosoever carries that Name, will have no Credit with them for the Future. They have not yet forgotten the Declaration from *Breda*, though others forgot it so soon, and do not spare to say, that if the same Diligence, the same earnest Solicitation, had been made use of in that Affair, which have been since exercised directly contrary to the Design of it, there is no doubt but every part of it would have had the desired Success, and all his Majesties Subjects would have enjoyed the Fruits of it, and would now been extolling a Prince so careful to keep Sacred his Promises to his People. If we did take notice of the several Declarations, published since that which we have last mentioned, we shall find they signify as little; and therefore we will only remember the last, made the 20th. of April, 1679. and Declared in Council and in Parliament, and after published to the whole Nation: Wherein his Majesty owns that he is sensible of the ill posture of his Affairs, and the great Jealousies and Dissatisfaction of his good Subjects, whereby the Crown and Government was become too weak to preserve it self, which proceeded from his use of a single Ministry, and of private Advices; and therefore professes his Resolution, to lay them wholly aside for the future, and to be Advised by those Able and Worthy Persons, whom he had then chosen for his Council, in all his Weighty and Important Affairs. But every man must Acknowledge that either His Majesty has utterly forgotten this publick and solemn Promise, or else that nothing Weighty and

Impor-

Important has happened from that time to this very day.

As for the Declaration read in our Churches the other day, there needs no other Argument to make us doubt of the reality of the promises which it makes, than to consider how partially, and with how little sincerity the things which it pretends to relate, are therein represented. It begins with telling us in His Majesties Name, That *it was with exceeding great Trouble that he was brought to Dissolve the two last Parliaments, without more benefit to the People by the calling of them.* We should question His Majesties Wisdom, did we not believe him to have understood, that never Parliaments had greater *Opportunities* of doing good to himself and to his People. He could not but be sensible of the Dangers, and of the Necessities of his Kingdom; and therefore could not *without exceeding great Trouble*, be prevailed upon for the sake of a few Desperate Men, (whom he thought himself concern'd to love now, only because he had loved them too well, and trusted them too much before;) not only to disappoint the Hopes and Expectations of his own People, but of almost Europe. His Majesty did indeed *do His part*; so far, in *giving Opportunities for providing for our Good*, as the Calling of Parliaments does amount to, and it is to be imputed to the Ministers only, That the success of them *did not Answer His and Our Expectations.* 'Tis certain it cannot be imputed to any of the Proceedings of either of those Parliaments; which were composed of Men of as good Sense and Quality as any in the Nation, and proceeded with as great Moderation, and managed their

their Debates with as much temper as was ever known in any Parliament. If they seem'd to go too far in any thing, His Majesties Speeches or Declarations had mislead them, by some of which they had been invited to enter into every one of those Debates, to which so much Exception has been since taken. Did he not frequently recommend the *Prosecution of the Plot* to them, with a *strict and Impartial Inquiry*?

Speech 21. Oct. Did he not tell them, That he
1680. neither thought himself nor them

Speech 30. Apr. safe, till that matter was gone
1679. through with? Did he not in his
Speech of the 30th. of April,
1679. Assure them, that it was

his constant Care to secure our Religion for the Future in all Events, and that in all things which concern'd the Publick Security, he would not follow their Zeal but lead it? Has he not often wish'd, that he might be able to exercise a Power of Dispensation in reference to those Protestants, who through Tendernefs of misguided Conscience did not conform to the Ceremonies, Discipline and Government of the

Speech 26. Dec. Church? And promised that
1662. he would make it his special care to
incline the Wisdom of the Parlia-

ment to concur with him, in making an Act to that purpose? And least the malice of ill men might object, that these gracious Inclinations of his continued no longer, than while there was a possibility of giving the Papists equal benefit of a Toleration. Has not his Majesty since the discovery of the Plot, since there was no hopes of getting

ting so much as a Convenience
for them, in his Speech of the *Speech 6. March,*
6th. of March, 1679. Express 1679.

*His Zeal not only for the Protestant Religion in General, but for an Union amongst all sorts of Protestants ? And did he not command my Lord Chancellor at the same time to tell them, that it was necessary to distinguish between Popish and other Recusants, between them that would destroy the whole Flock, and them that only wander from it ? These things considered, we should not think the Parliament went too far, but rather that they did not follow his Majesties Zeal with an equal pace. The Truth is, if we observe the daily Provocations of the Popish Faction, whose Rage and Insolence were only increased by the Discovery of the Plot, (so that they seemed to defie Parliaments, as well as Inferior Courts of Justice,) under the Protection of the Duke, (their publicly avowed Head;) who still carried on their Designs by new and more detestable Methods than ever, and were continually busie by Perjuries and Subornations, to charge the best, and most considerable Protestants in the Kingdom with Treasons, as black as those of which themselves were Guilty. If we observe what vile Arts were used to hinder the further Discovery, what Liberty was given to reproach the Discoverers, what means used to destroy or to corrupt them; how the very Criminals were encouraged and allowed to be good Witnesses against their Accusers ? We should easily excuse any *English* Parliament thus beset, if they had been carried to some little Excesses. But yet all this could not provoke them to do any thing*

thing not justifiable by the Laws of Parliament, or un-becoming the Wisdom and Gravity of an *English Senate*.

But we are told that His Majesty *Opened the last Parliament which was held at Westminster, with as Gracious Expressions of His Readiness to satisfy the Desires of his Subjects, and to secure them against all their just Fears, as the Weighty Consideration, either of preserving the Established Religion and Property of his Subjects at Home; or of supporting his Neighbours and Allies Abroad could fill his Heart with.* We must own that his Majesty has Opened all his Parliaments at *Westminster*, with very *Gracious Expressions*: Nor has he wanted that Evidence of His *Readiness to satisfy the Desires of his Subjects*; but that sort of Evidence will soon lose its force if it be never followed by Actions correspondent, by which only the World can judge of the sincerity of Expressions or Intentions. And therefore the Favourites did little consult His Majesties Honour, when they bring him in solemnly declaring to his Subjects, *That his Intentions were as far as would have consisted with the very Being of the Government, to have complied with any thing that could have been proposed to him to accomplish those Ends*; when they are not able to produce an Instance wherein they suffered him to comply in any one thing. Whatsoever the House of Commons Address'd for, was certainly deny'd, though it was only for that Reason; and there was no surer way of Intituling ones self to the Favour of the Court, than to receive a Censure from the Representative Body of the People. Let it for the present be admitted, that some of the things desired by that Par-

Parliament were exorbitant, and (because we will put the Objection as strong as is possible) inconsistent with the very being of the Government, yet at least, some of their Petitions were more reasonable. The Government might have subsisted, though the Gentlemen, put out of the Commission of the Peace, for their Zealous acting against the *Papists*, had been restor'd; nor would a final Dissolution of all things have ensued, though Sir *George Jefferies* had been removed out of publick Office, or my Lord *H.* himself from his Majesties Presence and Councils. Had the Statute of the Thirty fifth of Queen *Elizabeth* (which had justly slept for Eighty Years, and of late, unseasonably revived) been repealed, surely the Government might still have been safe. And though the Fanaticks perhaps had not deserved so well as that in favour to them, his Majesty should have pass'd that Bill: yet since the Repeal might hereafter be of so great Use to those of the Church of *England*, in case of a Popish Successor, (which Blessing his Majesty seems resolved to bequeath to his People;) one would have thought he might have complied with the Parliament in that Proposal. At least, we should have had less Reason to complain of the refusal, if the King would have been but Graciously pleas'd to have done it in the ordinary way. But the Ministers thought they had not sufficiently triumphed over the Parliament, by getting the Bill rejected, unless it were done in such a manner, as that the President might be more pernicious to Posterity, by introducing a new *Negative* in the making of Laws,

than the losing of any Bill, how useful soever could be to the present Age. This we may affirm, that if the Success of this Parliament did not answer Expectation, whoever was guilty of it, the House of Commons did not fail of *doing their Part*. Never did men Husband their time to more Advantage. They opened the Eyes of the Nation. They shewed them their danger, with a Freedom becoming *English Men*. They asserted the Peoples Right of Petitioning. They proceeded vigorously against the Conspirators Discovered, and Heartily endeavoured to take away the very Root of the Conspiracy: They had before them as many great and useful Bills as had been seen in any Parliament, and it is not to be laid at their Doors that they proved Abortive. This Age will never fail to give them their grateful Acknowledgments, and Posterity will remember that House of Commons with Honour.

We come now to the particular enumeration of those Gracious Things which were said to the Parliament at *Westminster*. His Majesty ask'd of them *the supporting the Alliances he had made for the Preservation of the General Peace in Christendom*. 'Tis to be wish'd his Majesty had added to this Gracious Asking of Money, a Gracious Communication of those Alliances, and that such blind Obedience had not been exacted from them, as to Contribute to the Support of they knew not what themselves; nor before they had considered whether those Alliances which were made, were truly design'd for that End which was pretended, or any way

way likely to prove effectual to it. Since no Precedent can be shewn, that ever a Parliament, (not even the late Long Parliament, though filled with D. his Pensioners) did give Money for maintaining any Leagues, till they were first made acquainted with the particulars of them. But besides this, the Parliament had reason to consider well of the General Peace it self, and the Influence it might have, and had, upon our Affairs, before they came to any Resolution, or so much as to a Debate about preserving it; since so wise a Minister as my Lord *Chancellor* had so lately told us, *That it was fitter Lord Chancellor's for Meditation than Discourse.* He *Speech, 23 May,* informed us in the same Speech, 1678.

That the Peace then was but the Effect of Despair in the Confederates, and we have since learn'd by whose means they were reduced to that Despair; and what price was demanded of the *French King* for so great a Service. And we cannot but be sadly sensible how by this Peace, that Monarch has not only quite Dissolv'd the Confederacy form'd against him, enlarged his Dominions, gained time to refresh his Souldiers harrassed with long Service, settled and compos'd his Subjects at Home, increased his Fleet, and replenished his Exchequer for new and greater Designs; but his Pensioners at our Court have grown insolent upon it, and presuming that now he may be at leisure to assist them in Ruining *England*, and the Protestant Religion together, have shaken off all dread of Parliaments, and have prevail'd with his Majesty to use them with as little respect, and to disperse them with as great Contempt, as if they

had been a Conventicle, and not the great Representative of the Nation, whose Power and Wisdom only could save him and us, in our present Exigencies.

But whatever the Design of them was, or the Effect of them is like to be, yet Alliances have a very good sound, and a Nation so encompassed with Enemies abroad, and Traitors and Pensioners to those Enemies at home, must needs be glad to hear of any new Friends. But alas, if we look into the Speech made at the Opening of that Parliament, we shall find no mention of any new Ally except the *Spaniard*, whose Affairs at that time, through the Defects of his own Government, and the Treachery of our Ministers, were reduced to so desperate a State, that he might well be a Burden to us; but there was little to be hoped from a Friendship with him, unless by the name of a League, to recommend our Ministers to a new Parliament, and couzen Country Gentlemen out of their Money. But upon perusal of that League, it appears by the Third, Fourth, and Fifth Articles, that it was like to create us Trouble enough, for it engages us indefinitely to enter into all the Quarrels of the *Spaniards*, though they happened in the *West Indies* or the *Philippine Islands*, or were drawn upon himself by his own Injustice or causeless Proccations. By this we shall be obliged to espouse his difference with the Duke of *Brandenburgh*, though all that Duke did, was according to the Law of Nations, to Reprize *Spanish* Ships for a just Debt frequently demanded in vain. By this we shall be obliged to engage in his present War with the *Portuguese*, though he by
his

his violent seizing of the Island of *St. Gabriel*, which had long been in their peaceable possession, without once demanding it of them, has most justly provoked the *Portuguese* to invade *Spain*. Nor are we bound only to assist him in case of an Invasion; but in case of any Disturbance whatsoever, which must be intended of intestine Troubles, (and it is so directly explained in the secret Article, which all *Europe* says, was signed at the same time.) So that if the present King of *Spain* should imitate his Great Grandfather, *Philip* the Second, and oppress any of his Subjects, as cruelly as he did those of the *Low Countries*, and so force them to a necessary Self Defence; we have renounced the policy of our Ancestors, who thought it their Interest as well as their Duty to succour the distressed, and must not only aid him with 8000 Men for three Months, to make those People Slaves, but if the matter cannot be composed in that time, make War upon them, with our whole Force both by Land and Sea. But that which concerns us yet nearer in this League, is, that this Obligation of assistance was mutual, so that if a Disturbance should happen hereafter in *England*, upon any attempt to change our Religion or our Government, though it was in the time of his Majesties Successors, the Most Catholick King is obliged by this League, (which we are still to believe was entered into, for the security of the Protestant Religion, and the good of the Nation) to give Aid to so Pious a Design, and to make War upon the People with all his Forces both by Land and Sea. And therefore it was no wonder that the Ministers were not forward in shew-

ing this League to the Parliament, who would soon have observed all these Inconveniences, and have seen how little such a League could contribute to the preserving the General Peace, or to the Securing of *Flanders*, since the *French King* may within one Months time possess himself of it, and we by the League are not obliged to send our Succours till Three Months after the Invasion. So that they would upon the whole matter, have been inclined to suspect, that the main End of this League was only to serve for an handsome pretence to raise an Army in *England*, and if the people here should grow discontented at it, and any little Disorders should ensue, the *Spaniard* is thereby obliged to send over Forces to suppress them.

The next thing recommended to them, was the farther Examination of the Plot, and every one who has observed what has passed for more than two years together, cannot doubt that this was sincerely desired by such as are most in Credit with his Majesty, and then surely the Parliament deserved not to be censured upon this Account, since the Examination of so many new Witnesses, the Tryal of the Lord *Stafford*, the great preparations for the Tryals of the rest of the Lords, and their diligent Enquiry into the Horrid *Irish* Treasons, shew, that the Parliament wanted no Diligence to pursue his Majesties good Intentions in that Affair. And when His Majesty desired from the Parliament their Advice and Assistance concerning the preservation of *Tangier*, the Commons did not neglect to give it its due

due Consideration. They truly represented to him how that Important place came to be brought into such *Exigencies*, after so vast a *Treasure* expended to make it useful; and that nothing better could be expected of a Town, for the most part put under Popish Governors, and always fill'd with a Popish Garrison. These were Evils in his Majesty's own Power to redress, and they advised him to it; nor did they rest there; but promise to assist him in Defence of it, as soon as ever they could be reasonably secured, that any Supply which they gave for that purpose, should not be used to *Augment the Strength of our Popish Adversaries*, and to *encrease our Dangers at Home*. They had more than once seen money employed directly contrary to the end for which it was given by Parliament, and they had too good cause of Fear it might be so again; and they knew that such a misemployment would have been fatal at that time. But above all, they considered the eminent Danger which threatned them with certain Ruine at Home; and therefore justly thought that to leave the Consideration of *England* to provide for *Tangier*, would be to act like a Man that should send his Servants to mend a Gap in his Hedge when he saw his House on Fire, and his Family like to be consumed in it. We are next told, that his Majesty Offered to concur in any Remedies that could be proposed for the Security of the Protestant Religion, and we must own that he did indeed make such an Offer, but he was pleased to go no farther, for those Remedies which the Commons tendered were rejected, and those which they were

Address presented
29. Nov. 1680.

preparing, were prevented by a Dissolution.

We have seen the great things which the King did on his part; let us now reflect on those Instances which are singled out as so many *unsuitable Returns of the Commons*. They are complained of for presenting *Addresses in the nature of Remonstrances rather than Answers*. Under what unhappy Circumstances do we find our selves, when our Representatives can never behave themselves with that Caution, but they will be mis-interpreted at Court? If the Commons had return'd Answer to his Majesty's Messages, without shewing upon what Grounds they proceeded, they had then been accused as men acting peremptorily, and without reason; if they modestly express the reasons of their Resolutions, they are then said to Remonstrate. But what the Ministers would have this word Remonstrance signifie, what Crime it is they mean thereby, to charge the Commons with, is unknown to an *English* Reader. Perhaps they who are better Criticks, and more *French-men*, know some pernicious thing which it imports. If they mean by a Remonstrance, a *declaring the Causes and Reasons* of what they do, it will not surely be imputed as a Fault in them, since 'tis a way of proceeding which his Majesty's Ministers have justified by their own Example, having in his Majesty's Name vouchsafed to *declare the Causes and Reasons of his Actions* to his People.

But the Commons made *Arbitrary Orders for taking Persons into Custody, for matters that had no Relation to Priviledges of Parliament*. The Contrivers of this Declaration, who are so particular in other things,

things, would have done well to have given some instances of these Orders.

If they intend by these General Words, to reflect on the Orders made to take those degenerate Wretches into Custody, who published under their Hands their Abhorrence of Parliaments, and of those who in an humble and lawful manner Petitioned for their Sitting, in a time of such extream necessity. Surely they are not in good earnest, they cannot believe themselves, when they say, that *these Matters* had no *Relation to Priviledges of Parliament*, if the Privilege of Parliament be concern'd when an injury is done to any particular Member, how much more is it touched, when men strike at Parliaments themselves, and endeavour to wound the very Constitution? If this be said with Relation to *Sheridan*, who has since troubled the World with so many idle impudent Pamphlets upon that account, 'tis plain that his Commitment was only in order to examine him about the Popish Plot; and his Endeavours to stifle it, (though his contemptuous Behaviour to the House, deserved a much longer Confinement) and 'twas Insolence in him to Arraign their Justice, because they did not instantly leave all their great Debates to dispatch the business relating to him.

Thompson of *Bristol*, was Guilty of divers great Breaches of Priviledge; but yet his Commitment was only in order to an Impeachment; and as soon as they had gone through with his Examination, they ordered him to be set at Liberty, giving Security to answer the Impeachment which they had Voted against him. But is it a thing

thing so strange and new to the Authors of the Declaration, that the House of Commons should Order men to be taken into Custody for matters not relating to Priviledge? Have they not heard, that in the 4 *Edw. 6. Cricketoft* was Committed for Confederating in an Escape; that 18 *Jac.* Sir *Francis Michael* was Committed for Misdemeanors, in procuring a Patent for the Forfeitures of Recognizances, together with *Fowles, Gerrard*, and divers others, (none of which were Members of Parliament) that 20 *Jac.* Dr. *Harris* was taken into Custody for misbehaving himself in preaching; and that 3 *Car.* *Burgeffe* was Committed for Faults in Catechizing, and *Leves* for presuming to exercise a Patent, which had been adjudged a Grievance by a Committee of the Commons in a former Parliament.

There would be no end of giving Instances of those Commitments, which may be observed in almost every Parliament, so that the House of Commons did but tread in the Steps of their Predecessors, and these sorts of Orders were not new, though the Declaration takes the Liberty to call them Arbitrary. The Commons had betrayed their Trust, if they had not asserted the Right of Petitioning, which had been just before shaken by such a *strange, Illegal, and Arbitrary Proclamation.*

But now we come to the transcendent monstrous Crimes, which can never be forgiven by the Ministers, the giving them their due Character, which every man of Understanding had fix'd upon them long before: the whole Current of their Councils being a full Proof of the

Truth

Truth of the Charge. But what colour is there for calling these Votes illegal? It is illegal for the Commons to impeach persons, whom they have good reason to judge Enemies to the King and Kingdom? It is illegal to determine by a Vote (which is the only way of finding the Sence of the House) who are Wicked Counsellors, and deserve to be impeach'd? Could the Commons have called the Parties accused to make their Answer before themselves? Had they not a proper time for their Defence when they came to their Tryals, and might they not have cleared their Innocence much better, (if they durst have put that in Issue) by a Tryal, than a Dissolution of the Parliament? But should we grant that these Votes were not made in Order to an Impeachment, yet still there is nothing Illegal, nothing extraordinary in them. For the Commons in Parliament, have ever used two ways in delivering their Country from pernicious and powerful Favorites, the one is from a Parliamentary Course of Justice by Impeaching them, which is used when they judge it needful to make them publick Examples, by Capital, or other high Punishments, for the terror of others: The other is by immediate Address to the King to remove them as unfaithful or unprofitable Servants. Their Lives their Liberties or Estates are never endangered, but when they are proceeded against in the former of these ways. Then legal evidence of their Guilt is necessary, then there must be a proper time allowed for their defence. In the other way the Parliament Act as the Kings great Council, and when either
House

House observe that Affairs are ill administred, that the advice of Parliaments is rejected or slighted, the Course of Justice perverted, our Councils betray'd, Greivances multiplyed, and the Government weakly and disorderly managed, (of all which our Laws have made it impossible for the King to be guilty.) They necessarily must, and always have charg'd those who had the Administration of Affairs, and the Kings Ear, as the Authors of these mischeifs, and have from time to time applyed themselves to him by Addresses for their Removal from his Presence and Councils. There be many things plain and evident beyond the Testimony of any Witnesses, which yet can never be proved in a legal way. If the King will hearken to none but two or three of his Minions, must we not conclude that every thing that is done comes from their Advice? And yet, if this way of representing things to the King were not allowed, they might easily frustrate the enquiries of a Parliament. It is but to whisper their Counsels, and they are safe. The Parliament may be busied in such great Affairs, as will not suffer them to pursue every Offender through a long Process; and besides there may be many reasons why a man should be turn'd out of a service, which perhaps would not extend to subject him to punishment. The People themselves are highly concern'd in the great Officers and Ministers of State, who are Servants to the Kingdom as well as to the King. And the Representatives of the People, the Commons, whose business it is to present all Greivances, as they are most likely to observe soonest the Folly and Treachery of those publick Servants,

vants, (the greatest of all Greivances) so this Representation ought to have no little weight with the Prince. This was understood so well by *H. 4.* a Wife and brave Prince, that when the Commons complain'd against four of his Servants and Councillors, desiring they might be removed, he came into Parliament and there declared openly that though he knew nothing against them in particular, yet he was assured that what the Lords and Commons desired of him, was for the good of himself and his Kingdom; and therefore he did comply with them, and banish'd those four Persons from his Presence and Councils, declaring at the same time, that he would do so by any others who should be near His Royal Person, if they were so unhappy to fall under the Hatred and Indignation of his People. The Records and Histories of the Reigns of *Edward the first, Edw. II. Edw. III.* and indeed of all other succeeding Kings are full of such Addreses as these; but no History or Record can shew that ever they were called illegal or Un-Parliamentary till now.

Then the Ministers durst not appeal to the People against their own Representatives, but ours at present have either got some new Law in the point, or have attained to a greater degree of Confidence, than any that went before them. The best of our Princes have with thanks acknowledged the Care and Duty of their Parliaments, in telling them of their Corruption and Folly of their Favourites. *E. I. E. II. H. IV, H. V. and Q. El.* never fail'd to do it, and no
Names

Names are remembred with greater Honour in the *English* Annals. Whilst the disorderly, the Troublefom and Unfortunate Reigns of *H. III. Ed. II. R. II.* and *H. the VI.* ought to serve as Land Marks to warn succeeding Kings from preferring secret Councils to the Wisdom of their Parliaments.

But none of the Proceedings of the House of Commons, have been more censured at Court, and with less Justice, then their Vote about the Anticipation of several Branches of the Revenue. An Objection which could proceed from nothing, but a total ignorance of the Nature of Publick Treasure in our own, and all other Nations, which was ever esteem'd Sacred and Un-alienable. All the Acts of resumption in the times of *H. IV. H. VI.* and other of our Kings were founded upon this Maxim, otherwise there could not be conceived any grosser injustice, than to declare Alienations to be void, which Kings had lawful power to make. It was upon this Maxim, that the Parliament declar'd the Grant to the Pope of the yearly sum of 1000 Marks, wherewith King *John* had charg'd the Inheritance of the Crown, to be Null. It was for this cause that in the Year 1670. His Majesty procured an Act of Parliament, to enable him to sell the Fee-Farm Rents, and it is the best excuse that can be made for those Ministers who in the year 1672, advised the postponing of all Payments to the Bankers out of the Exchequer, that they judg'd all securities by way of Anticipation of the Revenue, illegal and void in themselves.

Resumptions have been frequent in every Kingdom,

dom, the King of *Sweden* within these few Months, has, by the Advice of the States, resumed all the Lands which his Predecessors had in many years before, Granted from the Crown. No Country did ever believe the Prince, how absolute soever in other things, had power to sell or give away the Revenue of the Kingdom, and leave his Successor a Beggar. All those Acts of the *Roman* Emperors, whereby they wasted the Treasure of the Empire, were rescinded by their Successors; and *Tacitus* observes, that the first of them that look'd upon the publick Treasure as his own, was *Claudius* the weakest and most sottish of them all. The present King of *France* did within these twelve years, by the consent of his several Parliaments, resume all the Demesnes of the Crown, which had been Granted away by himself or his Predecessors.

That haughty Monarch, as much power as he pretends to, not being asham'd to own that he wanted power to make such Alienations, and that Kings had that happy inability,

that they could do nothing contrary to the Laws of their Country. This Notion seems founded in the reason of Mankind,

since Barbarism it self cannot Efface it. The *Ottoman* Empe-

rors dispose Arbitrarily of the Lives and Estates of their Subjects, but yet they esteem it the most detestable wickedness, to

employ the Tributes and

Growing Revenues of the Pro-

vinces, (which they call the Sacred blood of the People;)

Traite des
droits de la
Reine.

Ont cette bien
heureuse impuis-
sance de ne pou-
voir rien faire
contre les Loys de
leur Pais.

*Postellus de Rebus
Turcicis.*

People;) upon any other than publick occasions; And our Kings *H. IV.* and *H. VII.* understood so well the different power they had in using their private Inheritances and those of the Crown; that they took care, by Authority of Parliament, to separate the *Dutchy of Lancaster* from the Crown, and to keep the descent of it distinct. But our present Courtiers are quite of another Opinion, who speak of the Revenue of the Crown as if it were a private Patrimony, and design'd only for Domestick Uses, and for the Pleasures of the Prince.

The Revenues of the Crown of *England* are in their own nature appropriated to Publick Service, and therefore cannot without injustice be Diverted or Anticipated. For either the Publick Revenue is sufficient to answer the necessary Occasions of the Government, and then there is no colour for Anticipations, or else by an extraordinary Accident the King is reduced to want an extraordinary supply, and then he ought to resort to his Parliament. Thus wisely did our Ancestors provide, that the King and his People should have frequent need of one another, and by having frequent opportunities of mutually relieving one anothers wants, be sure ever to preserve a dutiful affection in the Subject, and a fatherly tenderness in the Prince. When the King had occasion for the Liberality of his People, he would be well inclin'd to hear and redress their Grievances, and when they wanted ease from Oppressions they would not fail with alacrity to supply the occasions of the Crown. And therefore it has ever been esteem'd a Crime in Counsellors who perswaded the King

to Anticipate his Revenue, and a Crime in those who furnish Money upon such Anticipations in an Extraordinary way, however extraordinary the Occasion might be. For this cause it was that the Parliament in the 35th. of *H. VIII.* did not only discharge all those Debts which the King had Contracted, but enacted that those Lenders who had been before paid again by the King, should refund all those Sums into the Exchequer, as Judging it a reasonable punishment, to make them forfeit the Money they lent, since they had gone about to introduce so Dangerous a Precedent.

The true way to put the King out of a possibility of supporting the Government, is to let him waste in one Year that Money, which ought to bear the Charge of the Government for seven. This is the direct method to destroy the *Credit of the Crown, both Abroad and at Home.* If the King resolve never to pay the Money which he borrows, what Faith will be given to Royal Promises, and the Honour of the Nation will suffer in that of the Prince, and if it must be put upon the People to repay it, this would be a way to impose a necessity of giving Taxes without end, whether they would or no. And therefore (as Mercenary as they were) the Pensioners would never discharge the Revenue of the Anticipations to the Bankers. Now the Commons having the inconvenience of this before their Eyes in so fresh an instance, and having their Ears fill'd with the daily cries of so many Widows and Orphans; were obliged in duty to give a Publick Caution

to the people, that they should not run again into the same error. Not only because they Judged all Securities of that kind absolutely void, but because they knew no future Parliament could without breach of Trust repay that Money which was at first borrowed only to prevent the Sitting of a Parliament, and which could never be paid without Countenancing a Method so destructive to our Constitution. Nor have former Parliaments been less careful and nice, in giving the least allowance to any unusual ways of raking up Money, without Common Consent, having so very often declar'd that the King cannot supply his most pressing Necessities, either by Loans

1 R. 3. cap. 2. or by the Benevolence of his Subjects, which by the express

words of the Statute are damned and annulled for ever. But the House of Commons were so Cautious of giving any just occasion of Cavil, that they restrain'd their Votes much more than they needed to have done: For they extended them only to three Branches of the Revenue, all which were by several Acts of Parliament given to his present Majesty. And surely every one will agree, that when the King receives a Gift from his People, he takes it under such conditions, and ought to imploy it in such a manner, and for such purposes as they direct. We must therefore consult the several Acts by which those Branches were settled; if we would Judge rightly whether the Commons had not particular reasons for what they did. The Statute 12 Car.2.

c. 4. says, That the Commons
 reposing Trust in his Majesty, for 12 Car. 2. c. 4.
 Guarding the Seas against all Per- confirm'd. 31
 sons intending the disturbance of Car. c. 7.
 Trade, and the Invading of the
 Realm, to that intent do give him the Tonnage and
 Poundage, &c. This is as direct an Appropriati-
 on as Words can make, and therefore as it is ma-
 nifest wrong to the Subject, to divert any part of
 this Branch to other uses; So for the King to
 Anticipate it, is plainly to disable himself to per-
 form the Trust reposed in Him. And the late Long
 Parliament, thought this matter so clear, that a-
 bout two Years before their Dissolution, they pas-
 sed a Vote with Relation to the
 Customs, in almost the same 12 Car. 2.
 Words. The Parliament which c. 23. an.
 gave the Excise, were so far
 from thinking, that the King had power to
 Charge or Dispose of it as his own, that by a
 special Clause in the Act, whereby they give it,
 they were careful to *Impower him to dispose of it,*
or any part of it by way of Farm, and to Enact *that*
such Contracts shall be effectual in Law, so as they
be not for a longer time than three
Years. The Act, whereby the 33 E. 14. Stat.
 Hearth-money was given, de- c. 10.
 clares, that it was done to the
 end, *that the Publick Revenue might be proportioned to*
the Publick Charge, and 'tis impossible that should
 ever be, whilst it is liable to be Pre-ingag'd and
 Anticipated. And the Parliament were so care-
 ful to preserve this Tax always clear and un-
 charg'd,

charg'd, that they made it penal for any one so much as to accept of any Pension or Grant for years, or any other Estate, or any sum of Money out of the Revenue arising by vertue of that Act, from the King, His Heirs or Successors. Surely if the Penners of this Declaration had not been altogether ignorant of our own Laws, and of the Policy of all other Countries and Ages they would never have Printed those Votes, in hopes thereby to have exposed the Commons to the World. They would not have had the face to say, that thereby the King was Exposed to Danger, deprived of a possibility of supporting the Government, and reduc'd to a more helpless condition than the meanest of his Subjects. This we are sure of, that if the inviolable observing of these Statutes, will reduce His Majesty to a more helpless Condition, than the meanest of His Subjects, he will still be left in a better condition than the Richest and Greatest of his Ancestors, none of which were ever Masters of such a Revenue.

The House of Commons are in the next place accus'd of a very high Crime, the assuming to themselves a power of suspending Acts of Parliament, because they declared that it was their Opinion, That the prosecution of Protestant Dissenters upon the penal Laws, is at this time grievous to the Subject, a weakning of the Protestant Interest, an encouragement to Popery, and dangerous to the Peace of the Kingdom. The Ministers remembered that not many years ago, the whole Nation was justly Alarm'd upon the assuming an Arbitrary power of suspending penal Laws, and therefore they
thought

thought it would be very popular, to accuse the Commons of such an Attempt. But how they could possibly misinterpret a Vote at that Rate, how they could say the Commons pretended to a power of repealing Laws, when they only declare their Opinion of the inconveniency of them, will never be understood till the Authors of this are pleased to *shew their Causes and Reasons* for it in a second *Declaration*. Every impartial Man will own, that the Commons had reason for this opinion of theirs. They had with great anxiety observed that the present design of the Papists was not against any one sort of Protestants, but universal, and for extirpating the Reformed Religion. They saw what advantages these Enemies made of our Divisions, and how cunningly they diverted us from persecuting them, by fomenting our jealousies of one another. They saw the strength and nearness of the King of *France*, and Judged of his inclinations by his usage of his own Protestant Subjects. They considered the number, and the Bloody Principles of the *Irish*, and what Conspiracies were form'd there, and even Ripe for Execution; and that *Scotland* was already delivered into the hands of a Prince, the known head of the Papists in these Kingdoms, and the occasion of all their Plots and Insolencies, as more than one Parliament had declared. They could not but take notice into what hands the most considerable Trusts both Civil and Military were put, and notwithstanding all Adresses, and all Proclamations for a strict Execution of the Penal Laws against Papists, yet their Faction so far prevailed that

they were eluded, and only the dissenting Protestants smarted under the edge of them. In the midst of such circumstances was there not cause to think an Union of all Protestants necessary, and could they have any just ground to believe that the Dissenters, whilst they lay under the pressures of severe Laws, should with such Alacrity and Courage as was requisite, undertake the defence of a Countrey where they were so ill treated? A long and sad Experience had shewed, how vain the endeavours of former Parliaments had been to force us to be all of one Opinion, and therefore the House of Commons resolved to take a sure way to make us of one Affection. They knew that some busie Men would be striking whilst there were weapons at Hand, and therefore to make us live at Peace, they meant to take away all occasions of provoking or being provoked. In order to a general Repeal of these Laws, they first came to a Vote declaring the necessity of it, to which there was not one Negative in the House: A Vote of this nature does for the most part precede the bringing in of a Bill, for the Repeal of any General Law. And it had been a great presumption in a particular Member to have asked leave, to have brought in a Bill for Repealing so many Laws together, till the House had first declared that in their opinion they were *Grievous and inconvenient*. No *Englishman* could be so ignorant of our Laws, none but a *Frenchman* could have confidence to declaim against a proceeding so regular and Parliamentary as this. Where was the *disregard to the Laws Established*

blished, for the Commons to attempt the abrogating of a Law that is *Grievous to the Subject, and dangerous to the Peace of the Kingdom*? Is it a *suspending Acts of Parliament*, if they declare a Law to be *Grievous and dangerous* in their *Opinion*, before they set about the Repeal of it? And is there any ground to doubt but that a Bill would have pass'd that House, pursuant to this Vote, had it not been prevented by a Dissolution? Nor was there the least direction or signification to the *Judges*, which might give any occasion for the Reflection which follows in the Declaration. The due and impartial Execution of the Laws is the unquestionable Duty of the Judges, and we hope they will always remember that duty so well, as not to necessitate a House of Commons to do theirs, by calling them to Account for making private Instructions the rule of their Judgments, and acting as men who have more regard to their Places than their Oaths. 'Tis too well known who it is that solicites and manages in favour of Judges, when a House of Commons does demand Justice against them, for breaking their Oaths; And therefore the Publishers of this Declaration had said something well, if when they tell us the Judges ought not to break their Oaths in Reverence to the Votes of either House, they had been pleas'd to add, not in respect of any Command from the King or Favourites. Then we should have no more Letters from Secretaries of State to Judges sitting upon the Bench. Then we should have no more Proclamations like that of the 14th Oct 1662. Forbidding the Execution of

the Laws concerning High-ways. Nor that of the 10th of *May* 1672. Dispensing with divers clauses in the Acts of Parliament for increase of Shipping; nor any more Declarations like that of the 15th of *March* 1672. Suspending the Penal Laws in matters Ecclesiastical.

But the Judges are sworn to execute all Laws, yet there is no obligation upon any man to inform against another. And therefore though the Ministers prevented the Repeal of those Laws, 'tis to be hoped that this Vote will restrain every English man from prosecuting Protestants, when so wise and great a body have declared the pernicious effects of such a prosecution. 'Tis most true that in *England* no Law is abrogated by desuetude, but it is no less true that there are many Laws still unrepealed which are never Executed, nor can be without publick detriment. The Judges know of many such dormant Laws, and yet they do not quicken the People to put them in Execution, nor think themselves Guilty of Perjury that they do not, such are the Laws for wearing Caps, for keeping Lent, those concerning Bows and Arrows, about killing Calves, and Lambs, and many others. And those who vex men by information on such antiquated Laws, have been ever lookt upon as Infamous, and Disturbers of the publick quiet. Hence it is that there are no Names remembred with greater detestation than those of *Empson* and *Dudley*, the whole Kingdom abhorred them as Monsters in the time of *H. VII.* and they were punished as Traitors in the Reign of his Son.

The

The alteration of the Circumstances whereupon a Law was made, or if it be against the Genius of the People, or have effects contrary to the Intent of the Makers, will soon cause any Law to be disused, and after a little disuse, the reviving of it will be thought Oppression. Especially if Experience has shewn that by the Non-Execution, the Quiet, the Safety and Trade of the Nation have been promoted; of all which, the Commons, who are sent from every part of the Kingdom, are able to make the clearest Judgment. Therefore, after they have declared their Opinions of the Inconvenience of reviving the Execution of these Laws, which have lain asleep for divers years, though the Judges must proceed, if any forward Informers should give them the trouble, yet they would not act wisely or honestly, if they should encourage Informers, or quicken Juries by strict and severe Charges. Especially if it be considered that the Lords also were preparing Bills in favour of Dissenters, and that the King has wished often it was in his power to ease them. So that though there be no Act of Repeal formerly passed, we have the Consent and Desire of all, who have any share in making Acts. But let this Vote have what Consequence it will, yet sure the Ministers had forgot that the Black Rod was at the Door of the House, to require them to attend His Majesty at the very time when it was made, otherwise they would not have numbred it amongst the Causes, *which occasioned the King to part with that Parliament.* And those that knew his

his Majesty was putting on his Robes before that Vote passed, might imagine a Dissolution thus foreseen, might occasion it, but cannot be brought to believe, that the Vote which was not in being, could occasion the Dissolution. These are the *Proceedings* which the Ministers judge *unwarrantable* in the Parliament at *Westminster*, and for which they prevail with his Majesty *to part with it*. But since it is evident upon Examination, that the Principles of our Constitution, the Method of Parliaments, and the Precedents of every Age, were their Guide and Warrant in all those things; surely the King must needs be alike offended with the Men about him, for perswading him to dissolve that Parliament without any Cause; and for setting forth in his Name a Declaration of such pretended Cause as every man almost sees through, and contrived only to cover those Reasons which they durst not own. But with what face can they object to the House of Commons their *strange illegal Votes*, declaring *divers eminent Persons to be Enemies to the King and Kingdom*, when at the same time they arrogate to themselves an unheard of Authority, to arraign one of the three Estates in the Face of the World, for *usurping Power over the Laws, Imprisoning their Fellow Subjects Arbitrarily, exposing the Kingdom to the greatest Dangers, and endeavouring to deprive the King of all possibility of supporting the Government*, and all this without any order or process of Law, without hearing of their Defence, and as much without any Reason as President. We have had Ministers heretofore so bold
(yet

(yet ever with ill Success) as to accuse a pretended Faction Party in the House, but never did any go so high as openly to represent the whole House of Commons as a Faction, much less to cause them to be denounced in all the Churches of the Kingdom, that so the People might look upon it as a kind of Excommunication. But if they erred in the things they judged rightly in the Choice of the Persons who were to publish it. Blind Obedience was requisite, where such unjustifiable things were imposed, and that could be no where so entire, as amongst those Clergy Men, whose Preferment depended upon it. Therefore it was ordered that this Declaration should be read by them, being pretty well assured that they would not unwillingly read in the Desk, a Paper so suitable to the Doctrine which some of them had often declared in the Pulpit. It did not become them to enquire whether they had sufficient Authority for what they did, since the Printer called it the Kings Declaration, and whether they might not one day be called to account for publishing it; nor once to ask, if what his Majesty singly ordered when he sat in Council, and came forth without the Stamp of the Great Seal, gave them a sufficient Warrant to read it publicly.

Clergy-men seldom make Reflections of this kind, least they should be thought to dispute the Commands of their Superiors. It hath been observed, that they who allow unto themselves the Liberty of Doubting, advance their Fortunes very slowly, whilst such who obey without scruple,

go on with a Success equal to their Ambition. And this carries them on without Fear or Shame, and as little thought of a Parliament, as the Court Favorites, who took care to dissolve that at *Oxford*, before they durst tell us the Faults of that at *Westminster*.

We have already answered the Miscarriages objected to the first, and may now take a view of those imputed to the other, which they say *was Assembled as soon as that was Dissolved*, and might have added *Dissolved as soon as Assembled*. The Ministers having employ'd the People forty days in choosing Knights and Burgeses, to be sent home in eight, with a Declaration after them, as if they had been called together only to be affronted. The Declaration doth not tell us of any gracious Expressions used at the opening of that Parliament, perhaps because the Store was exhausted by the abundance which his Majesty was pleased to bestow on them in his former Speeches. But we ought to believe that his Majesty's Heart was as full of them as ever, and if he did not express them, it is to be imputed unto the Ministers, who diverted him from his own Inclinations, and brought him to use a Language until that day, unknown unto Parliaments. The Gracious Speech then made, and the Gracious Declaration that followed, are so much of a piece, that we may justly conclude the same Persons to have been Authors of both. However his Majesty failed not to give good Advice unto them, who were called together to advise him. The Parliament had so much respect for their King, as
not

not particularly to complain of the great Invasi-
on that was made upon their Liberty of propos-
ing and debating Laws, by his telling them be-
forehand what things they should meddle with,
and what things, no reasons they could offer,
should perswade him to consent unto.

But every Man must be moved to hear it
charged upon them as an unpardonable Disobedi-
ence, that they did not obsequiously submit to
that irregular Command, of not touching on the
Business of the Succession. Shall two or three
unknown Minions take upon them, like the
Lords of the Articles of *Scotland*, to prescribe un-
to an English Parliament what things they shall
treat off? Do they intend to have Parliaments *in-
ter instrumenta servitutis*, as the Romans had
Kings in our Country? This would quickly be,
if what was then attempted had succeeded, and
should be so pursued hereafter, that Parliaments
should be directed what they were to meddle
with, and threatned if they do any other thing.
For the loss of Liberty of Freedom of debate in
Parliament, will soon and certainly be followed
by a general loss of Liberty. Without failing,
in the respect which all good Subjects owe unto
the King, it may be said that his Majesty ought
to divest himself of all private Inclinations, and
force his own Affections to yield unto the publick
Concernment: And therefore his Parliaments
ought to inform him impartially, of that which
tends to the good of those they represent, with-
out regard of personal Passions, and might wor-
thily be blamed if they did not believe, that he
would

would forgo them all for the safety of his People. Therefore, if in it self it was lawful to propose a Bill for excluding the Duke of York from the Crown, the doing it after such an unwarrantable signification of his Pleasure, would not make it otherwise. And the unusual Stiffness which the King hath shown upon this occasion, begins to be suspected, not to proceed from any Fondness to the Person of his Brother, much less from any thought of Danger to the English Monarchy by such a Law, but from the Influence of some few ill Men upon his Royal Mind, who being Creatures to the Duke, or Pensioners to *France*, are restless to prevent a good Understanding between the King and his People; justly fearing, that if ever he comes to have a true Sense of their Affections to him, he would deliver up to Justice these wicked Wretches, who have infected him with the fatal Notion, that the Interests of his People are not only distinct but opposite to his.

His Majesty does not seem to doubt of his Power in conjunction with his Parliament, to exclude his Brother. He very well knows his Power hath been often exerted in the time of his Predecessors. But the Reason given for his Refusal to comply with the Interests and Desires of his Subjects, is, because it was a *Point which concerned him so near in Honour, Justice and Conscience*. Is it not Honorable for a Prince to be true and Faithful to his Word and Oath? To keep and maintain the Religion and Laws established? Nay, can it be thought dishonorable unto him,

to

to love the Safety and Welfare of his People, and the true Religion established among them, above the Temporal Glory and Greatness of his personal Relations? Is it not just, in conjunction with his Parliament, for his Peoples Safety, to make use of a Power warranted by our English Laws, and the Examples of former Ages? Or is it just for the Father of his Country, to expose all his Childeen to ruine, out of Fondness unto a Brother? May it not rather be thought unjust to abandon the Religion, Laws and Liberties of his People, which he is sworn to maintain and defend, and expose them to the Ambition and Rage of one that thinks himself bound in Conscience to subvert them? If his Majesty is pleased to remember what Religion the Duke professeth, can he think himself obliged in Conscience, to suffer him to ascend the Throne, who will certainly endeavour to overthrow it, and set up the worst of Superstitions and Idolatry in the room of it? Or if it be true, that all Obligations of Honour, Justice and Conscience, are comprehended in a grateful Return of such Benefits as have been received, can his Majesty believe that he doth duly repay unto his Protestant Subjects, the Kindness they shewed him, when they recalled him from a miserable helpless Banishment, and with so much dutiful Affection, placed him in the Throne, enlarged his Revenue above what any of his Predecessors had enjoyed, and gave him vaster Sums of Money in twenty years, than had been bestowed upon all the Kings since *William* the First; should he after

ter all this deliver them up to be ruin'd by his Brother ? It cannot be said that he had therein more regard unto the Government, than to the person, seeing it is evident the Bill of Exclusion had no ways prejudiced the legal Monarchy, which his Majesty doth now enjoy with all the Rights and Powers which his wise and brave Ancestors did ever claim, because many Acts of the like nature have passed heretofore upon less necessary occasions.

The preservation of every Government depends upon an exact adherence unto it's *Principles*, and the essential *Principle* of the *English Monarchy*, being that well proportioned Distribution of *Powers*, whereby the Law doth at once provide for the Greatness of the King, and the Safety of the *People*; the Government can subsist no longer, than whilst the Monarch enjoying the *Power* which the Law doth give him, is enabled to perform the part it allows unto him and the *People* are duly protected in their Rights and Liberties. For this reason our Ancestors have been always more careful to preserve the Government inviolable, than to favour any personal pretences, and have therein conformed themselves to the practice of all other Nations, whose Examples deserve to be followed. Nay we know of none so slavishly addicted unto any Person or Family, as for any reason whatsoever, to admit of a Prince who openly professed a Religion contrary to that which was established amongst them. It were easie to alledge multitude of Examples of those who have rejected Princes for reasons of far less weight than difference

difference in Religion, as *Robert of Normandy*, *Charles of Lorrain*, *Alphonso a Desheradado of Spain*; but those of a latter Date, against whom there was no other Exception than for their Religion, suiteth better with our Occasion. Among whom, it is needless to name *Henry of Bourbon*, who, though accomplished in all the Vertues required in a Prince, was by the general Assembly of the Estate at *Blois*, declared incapable of Succession to the Crown of *France*, for being a Protestant. And notwithstanding his Valor, Industry, Reputation and Power increased by gaining four great Battels, yet he could never be admitted King, till he had renounced the Religion that was his Obstacle. And *Sigismund*, Son of *John of Sweden*, King of that Country by Inheritance, and of *Poland* by Election, was deprived of his Hereditary Crown, and his Children disinherited, only for being a Papist, and acting conformably to the Principles of that Religion, though in all other respect he deserved to be a King, and was most acceptable unto the Nation.

But if ever this Maxim deserved to be considered, surely it was in the Case of the Duke of *York*. The Violence of his natural Temper is sufficiently known; his Vehemence in exalting the Prerogative (in his Brothers time) beyond its due bounds and the principles of his Religion, which carry him to all imaginable Excesses of Cruelty, have convinced all mankind that he must be excluded, or the Name of King being left unto him, the Power put into the Hands of another. The Parliament therefore considering this, and

observing the precedents of former Ages, did wisely choose rather to exclude him, than to leave him the Name, and place the Power in a Regent. For they could not but look upon it as Folly, to expect that one of his Temper, bred up in such principles in politicks, as made him in love with Arbitrary Power, and bigotted in that Religion, which always propagates it self by Blood, would patiently bear these Shackles, which would be very disgustful unto a Prince of the most meek Disposition. And would he not thereby have been provoked to the utmost Fury and Revēge, against those who laid them upon him? This would certainly have bred a Contest, and these Limitations of power proposed to keep up the Government, must unavoidably have destroyed it, or the Nation (which Necessity would have forced into a War in its own natural Defence) must have perished either by it or with it. The Success of such Controversies are in the Hand of God, but they are undertaken upon too unequal Terms, when the People by Victory can gain no more, than what without hazard may be done by Law, and would be ruined if it should fall out otherwise. The Duke with Papists might then make such a Peace, as the *Romans* are said to have made once in our desolated Country, by the Slaughter of all the Inhabitants

Tacit.

able to make War, & *ubi solitudinem faciunt, pacem appellant.* This is the happy State they present unto us, who condemn the Parliament for bringing in a Bill of Exclusion. This is the way to have such a Peace

as the *Spaniards*, for the propagation of the Gospel, made in the *West-Indies*, at the Instigation of the Jesuits, who governed their Councils. And seeing they have the Duke no less under their power and Directions, we may easily believe they would put him upon the same Methods. But as it is not to be imagined, that any Nation that hath Vertue, Courage and Strength equal unto the *English*, will so tamely expect their Ruine, so the passing a Bill to exclude him may avoid, but cannot (as the Declaration phrases it) establish a War. But if there must be a War, let it be under the Authority of Law, let it be against a banished excluded Pretender. There is no fear of the Consequence of such a War. No true English Man can joyn with him, or countenance his Usurpation after this Act; and for his popish and forraign Adherents, they will neither be more provoked, nor more powerful by the passing of it. Nor will his Exclusion make it at all necessary to maintain a standing Force, for preserving the Government, and the Peace of the Kingdom. The whole People will be an Army for that purpose, and every Heart and Hand will be prepared to maintain that so necessary, so much desired Law. A Law, for which three Parliaments have been so earnest with his Majesty, not only in pursuance of their own Judgments, but by the Direction of those that sent them. It was the universal Opinion of the Papists, that *Mary* Queen of *Scots*, was excluded only by an Act of Parliament, and yet we see Queen *Elizabeth* Reigned gloriously and peaceably

bly forty years, without any standing force. But our Ministers do but dissemble with us, when they pretend to be so much afraid of a standing Army. We know how eagerly they have desired, and how often they attempted to establish one. We have seen two Armies raised with no other design, as has been since undeniably proved, and one of those they were so loath to part with, that more than one Act of Parliament was necessary to get it disbanded. And since that, they have increased the Guards to such a degree, that they are become a formidable standing force. A thing so odious to a free People, that the raising one single Regiment in *Spain*, within these six years, under colour of being a guard for the Kings Person, so inflamed the Nation, that a Rebellion had ensued, if they had not been disbanded speedily. The Nobility and Gentry of that Kingdom, looking upon themselves as their Kings natural Guard, scorned that so honorable a Name should be given to Mercenaries.

But as his Majesty was perswaded to resolve against the expedient proposed, to secure our peace by excluding the Duke, so it is evident that nothing was intended by those other ways, which were darkly and dubiously intimated in His Majesties Speech unto the Parliament at *Oxford*, and repeated in the Declaration; and His Majesty in his Wisdom could not but know that they signified nothing. And those who spake more plainly in proposing a Regency as an expedient, did in publick and private declare, they
believed

believed the Duke would not consent unto it, nor unto any unusual restriction of the Royal Power. So that they could have no other design therein, than a plausible pretence to delude the Parliament and People. Some such consideration induced them to revive the distinction between the Kings personal and politick capacity, by separating the power from the Person, which we have reason to believe they esteemed unfeasible. However it is more than probable that the *Jesuites*, *Casuists*, and Popish Lawyers would reject it, as well as any thing else that might preserve us from falling under his Power. And the *Pope* who could absolve King *John*, *Henry* the Third and others, from the Oaths they had taken, to preserve the Rights and Liberties of their Subjects, might with the same facility dissolve any that the Duke should take. And as our Histories testifie what bloody Wars were thereby brought upon the Nation, we have reason to believe, that if the like should again happen, it would be more fatal unto us, when Religion is concerned which was not then in question. Would not his *Confessor* soon convince him, that all Laws made in favour of Heresie are void? And would he not be liable to the heaviest Curses, if he suffered his power to be used against his Religion? The little regard he hath to Laws whilst a Subject, is enough to instruct us what respect he would bear to them, if he should be a King. Shall we therefore suffer the Royal Dignity to descend on him, who hath made use of all the Power, he has been

entrusted with hitherto, for our destruction? And who shall execute this great Trust? The next Heir may be an Infant, or one willing to surrender it into his hands. But should it be otherwise, yet still there is no hope of having any fruit of this expedient without a War, and to be obliged to swear Allegiance to a Popish Prince, to own his Title, to acknowledge him Supream Head of the Church, and defender of the Faith, seems a very strange way of Entitling our selves to fight with him.

The two reasons which the Declaration pretends to give against the Exclusion, are certainly of more force against the Expedient. *A standing Force* would have been absolutely necessary, to have placed and kept the *Administration in Protestant hands*; and the *Monarchy it self had been destroyed by a Law*, which was to have taken all sort of Power from the King, and made him not so much as a *Duke of Venice*. How absurdly and incoherently do these Men discourse? sometime the Government is so Divine a thing, that no human Law can lessen or take away his Right, who only pretends in Succession, and is at present but a Subject. But at other times they tell us of Acts of Parliament to banish him out of his own Dominions, to deprive him of all power, of his whole Kingship after he shall be in possession of the Throne. The cheat of this expedient appeared so gross in the House of Commons, that one of the Dukes professed Vassals, who had a little more Honour than the rest, was ashamed of it, and openly renounced the project which they

they had been forming so long, and thought they had so Artificially disguised. But though it was so well exposed in the House, yet the Ministers thought the men without doors might be still deceived, and therefore they do not blush to value themselves again upon it in their Declaration.

As for the insinuation which follows, that there was reason to believe that *the Parliament would have passed further to attempt other great and important Changes at present.* If it be meant any change of the Constitution of the Government, 'tis a malicious suggestion of those Men, who are ever instilling into his Majesties Mind ill thoughts of his Parliament, since no Vote nor Proposition in either House could give any ground for such suspicion, and therefore in this matter the People may justly accuse the Court, (who so often cry out against them for it) of being mov'd by causeless Fears and Jealousies. And for His Majesty to be perswaded to Arraign the whole Body of his People, upon the ill grounded surmises, or malicious and false suggestions of evil and corrupt men about him, doth neither well become the Justice of a Prince, nor is agreeable to the measures of Wisdom, which he should Govern himself, as well as Rule his People by. And if an attendance to the slanderous accusations of Persons, who hate Parliaments, because their Crimes are such that they have reason to fear them, govern and sway his Royal Mind, there can never want grounds for the Dissolution of any Parliaments. But if they mean by attempt-

ing great and important Changes, that they would have besought His Majesty, that the Duke might no longer have the Government in his hands, that his dependents should no longer preside in his Councils, no longer possess all the great Trusts and Offices in the Kingdom, that our Ports, our Garrisons, and our Fleets should be no longer governed by such as are at his Devotion, that Characters of Honour and Favour should be no longer plac'd on Men, that the Wisdom of the Nation hath judg'd to be Favourers of Popery, or Pensioners of *France*. These were indeed *great and important Changes*, but such as it becomes English-men to believe were designed by that Parliament. Such as will be designed and prest for by every Parliament and such as the People will ever pray, may at last find success with the King. Without these *Charges*, the Bill of Exclusion would only provoke, not disarm our Enemies, nay the very Money which we must have paid for it, would have been made use of to secure and hasten the Dukes return upon us.

We are now come to the consideration of that only fault which was peculiar to the Parliament at *Oxford*, and that was their behaviour in Relation to the business of *Fitz-Harris*. The Declaration says, *he was impeached of High-Treason by the Commons*, and they had cause to think his Treasons to be of such an extraordinary Nature, that they well deserved an Examination in Parliament. For *Fitz Harris* a known *Irish* Papist appear'd by the Informations given in the House, to be made use of by some very great persons

persons to set up a counterfeit Protestant Conspiracy, and thereby not only to drown the noise of the Popish Plot, but to take off the Heads of the most eminent of those, who still refused to bow their Knees to *Baal*. There had been divers such honest Contrivances before, which had unluckily fail'd, but the principal Contrivers avoided the Discovery, as the others did the punishment; in what manner, and by what helps, the whole Nation is now pretty sensible. Being warned by this experience they grew more cautious than ever, and therefore that the Treason which they were to set on Foot, might look as unlike a Popish Design as was possible, they fram'd a Libel full of the most bitter Invectives against Popery and the Duke of York, it carried as much seeming zeal for the *Protestant Religion*, as *Coleman's Declaration*, and as much care and concern for our Laws, as the *Pemiers* of this *Declaration* would seem to have. But it was also filled with the most subtle insinuations, and the sharpest expressions against His Majesty that could be invented, and with direct and passionate Incitements to Rebellion. This Paper was to be conveyed by unknown Messengers, to their hands who were to be betray'd, and then they were to be seized upon, and those Libels found about them, were to be a confirmation of the Truth of a Rebellion, which they had provided Witnesses to swear was designed by the Protestants, and had before prepared men to believe by private Whispers. And the credit of this Plot should no doubt have been soon confirmed, by speedy Justice done upon the pretended

pretended Criminals. But as well laid as this Contrivance seems to be, yet it spoke it self to be of a *Pepish* Extraction. 'Tis a Policy the Jesuits have often used, to divert a Storm which was falling upon themselves. Accordingly heretofore they had prepared both Papers and Witnessees, to have made the *Puritans* guilty of the Gunpowder Treason, had it succeeded as they hoped for.

The hainous nature of the Crime, and the greatness of the Persons supposed to be concern'd, deserved an extraordinary Examination, which a Jury; who were only to enquire whether *Fitz Harris* was guilty of framing that Libel, could never make; and the Commons believed none but the Parliament was big enough to go through with. They took notice that the Zeal or Courage of Inferiour Courts was abated, and that the Judges at the Trial of *Wakeman* and *Gascoign* (however it came to pass) behaved themselves very unlike the same Men they were, when others of the Plotters had been Tried.. They had not forgot another Plot of this nature discovered by *Dangerfield*, which though plainly proved to the Council, yet was quite stifled by the great diligence of the Kings Bench, which rendred him as an Incompetent Witnesse. Nor did they only fear the perversion of Justice, but the Misapplication of Mercy too. For they had seen that the Mouths of *Gadbury* and others, as soon as they began to confess, were suddainly stopt by a Gracious Pardon. And they were more Jealous than ordinary in this case, because when *Fitz Harris* was inclined to Repentance and had begun a Confession,

sion, to the surprize of the whole Kingdom, without any visible cause, he was taken out of the lawful Custody of the Sheriffs, and shut up a close Prisoner in the *Tower*. The Commons therefore had no other way to be secure that the Prosecution should be effectual, the Judgment indifferent, and the Criminal out of all hopes of a Pardon (unless by an Ingenuous Confession he could engage both Houses in a powerful Mediation to His Majesty in his behalf) but, by Impeaching of him. They were sure no Pardon could stop their suit, though the King might release his own Prosecution by his Pardon.

Hitherto the Proceedings of the Commons in this business could not be liable to Exception, for that they might lawfully Impeach any Commoner before the Lords, was yet never doubted. The Lords themselves had agreed that point, when the day before they had sent down the Plea of Sir *William Scroggs* to an Impeachment of Treason, then depending before them. And they are men of strange Confidence, who at this time of day take upon them to deny a Jurisdiction of the Lords, which hath been practised in all times without controul, and such a Fundamental of the Government, that there could be no security without it; Were it otherwise, it would be in the power of the King, by making Commoners Ministers of State, to subvert the Government by their Contrivances when he pleased. Their greatness would keep them out of the reach of ordinary Courts of Justice, and their Treasons might not perhaps be within the Statutes, but such as fall
under

under the Cognisance of no other Court than the Parliament; and if the People might not of Right demand Justice there, they might without fear of punishment, act the most destructive Villanies against the Kingdom.

As a Remedy against this Evil, the *Mirror of Justice* tells us, that *Parliaments, were*
Cap. 1. Sect. ordained to bear and determine all
2. Pag. 9. Complaints of wrongful Acts, done by
the King, Queen, or their Children,
and such others, against whom common Right cannot
be had elsewhere. Which as to the King, is no otherwise to be understood, than that if he err by illegal personal Commands or Orders, he is to be admonished by Parliament, and addressed unto for Remedy, but all others being but Subjects, are to be punished by Parliaments, according to the Laws of Parliaments.

If the Ends were well considered, for which Parliaments were ordained, as they are declared in the Statute; *Item, for maintenance of the said Articles and Statutes, (viz. Magna Charta, &c.)* a Parliament shall be holden every year, by them as well as by the foregoing ancient
36.Ed.3.10. Authority, none could be deceived
Rot. Parl. 4. by the Parliament, Rot. of 4. Ed. 3.
Ed. 3. Nu. 6. Where it is mentioned as accorded
 between the King and his Grands (that is, his Lords) that Judgment of Death, given by the Peers against Sir *Simon de Beresford, Matrever,* and others, upon the Murther of King *Edward* the Second, and his Uncle, should not be drawn into Example, whereby the Peers might
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be charged to judge others than their Peers, *contrary to the Law of the Land, if such a Case should happen.* For whereas from this Record, some would persuade us that the Lords are discharged from judging Commoners, and that our Ancient Government is alter'd in this case by that Record, which they say is an Act of Parliament. The stile and form of it is so different from that which is used in Acts of Parliament, that many are inclined to believe it to be no other thing, than an agreement between the King and the Lords. But to remove all future scruples in the case, let it be admitted to be an Act of Parliament, and if there be nothing accorded in it, to acquit the Lords from trying Commoners Impeached before them by the Commons in Parliament, then we hope that shame will stop their Mouths, who have made such a noise against the Commons with this Record.

First, It is evident from the Roll it self with other Records, that the Lords did judge those Commoners contrary to the Law of the Land, that is, at the instance of the King, and the Prosecution of their Enemies, without the due course of the Law ; or calling them to make their defence, and (for ought appears) without Legal Testimony.

Secondly, It is evident, that they were driven upon this Illegal Proceeding, by the Power and Authority of the King, and some Prosecutors, who earnestly pressed the Lords thereunto, upon pretence of speedily avenging the Blood of the former King and his Uncle. So that the judgment

ment was given at the Kings Suit, in a way not warranted by the Law and Custom of Parliament, or any other Law of the Kingdom. Surely when the Lord's Blood was suffered to cool, they had reason to desire something might be left upon Record, to preserve them for the future from being put upon such shameful work, though such a case as the Murder of a King should again happen, as it seems they did not fear to be pressed in any other, so to violate the Laws.

But *Thirdly*, There is not a word in the Record, that imports a restriction of that lawful Jurisdiction, which our Constitution placeth in the Lords to try Commoners, when their cases should come before them lawfully, at the suit of the Commons by Impeachment. There is no mark of an intention to change any part of the ancient Government, but to provide against the violation of it, and that the Law might stand as before notwithstanding the unlawful Judgment they had lately given. So that the Question is still the same, whether by the Law of the Land; that is, the Law and Custom of Parliament, or any other Law; the Lords ought to try Commoners impeached by the Commons in Parliament, as if that Record had never been. And we cannot think that any Man of sense, will from that Record make an Argument in this point, since it could be no better than to infer, that because the Lords are no more to be pressed by the King, or at his Suit, to give Judgment against Commoners contrary to the Law of the Land, when they are not Impeached in Parliament, therefore they must give no Judgment

ment against them at the suit of the Commons in Parliament, when they are by them Impeached, according to the Laws and Customs of Parliament. But if such as delight in these Cavils, had searched into all the Records relating unto that of the 4 *Edward* 3. *Rot. Parl.*

They might have found in the 19 *Edw.* 3.

19 of the same King, a Writ *M.* 18.

issued out to suspend the Execution

of the Judgment against *Matrevers*, because it had been illegally passed. And the chief reason therein given, is, that he had not been Impeached, and suffered to make his defence. But it was never suggested nor imagined, that the Lords who judged him, had no Jurisdiction over him because he was a Commoner, or ought not to have exercised it, if he had been Impeached. Nor was it pretended, that by *Magna Charta* he ought to have been tried only by his Peers; the Law of the Land therein mentioned, and the Laws and Customs of Parliaments, being better known, and more revered in those days, than to give way to such a mistake. They might also have found by another Record of the

26 of the same King, that by *Rot. Parl.*

undoubted Act of Parliament 25 *Edw.* 3.

Matrevers was pardon'd, and the *M.* 25.

Judgment is therein agreed by

the Lords and Commons to have been illegal, and unjustly passed by the violent Prosecution of his Enemies, but it is not alledged that it was *coram non iudice*, as if the Lords might not have Judged him, if the Proceedings before them had been

been legal. But as the Sence, and Proceedings of all Parliaments, have ever been best known by their practice, The Objectors might have found by all the Records since the 4 *Edw.* 3. that Commoners, as well as Lords; might be, and have been Impeached before Lords, and judged by them to Capital or other Punishments, as appears undeniable to every man that hath read our Histories or Records. And verily the concurrent sence and practice of Parliaments for so many Ages, will be admitted to be a better Interpretation of their own Acts, than the sence that these Men have lately put upon them to encrease our Disorders. But to silence the most malicious in this point, let the famous Act of the 25 of *Edw.* 3. be considered, which hath ever since limited all Inferiour Courts in their Jurisdiction, unto the Trial of such Treasons only as are therein particularly specified, and reserved all other Treasons to trial and judgment of Parliament. So that if any such be committed by Commoners, they must be so tried, or not at all. And if the last should be allowed, it will follow that the same Fact which in a Peer is Treason, and punishable with Death, in a Commoner is no Crime, and subject to no punishment.

Nor doth *Magna Charta* confine all Trials to common Juries, for it ordains that they shall be Tryed by the *Judgment of Peers, or by the Law of the Land.* And will any man say the Law of Parliament is not the Law of the Land? Nor are these words in *Magna Charta* superfluous or insignificant, for then there would be no Tryal before the
the

the *Constable* or *Marshal*, where is no Jury at all. There could be no Tryal of a Peer of the Realm upon an Appeal of Murder, who according to the Law, *Co. 2. Inst. 29.* ought in such Cases to be tried by a common Jury and not by his Peers. And since the Records of Parliaments are full of Impeachment of Commons, and no instance can be given of the rejection of any such Impeachment, it is the Commons who have reason to cite *Magna Charta* upon this occasion, which provides expressly against the denial of Justice. And indeed it looks like a denial of Justice, when a Court that hath undoubted Cognisance of a Cause regularly brought before them, shall refuse to hear it. But most especially, when (as in this case) the Prosecutors could not be so in any other Court, so as a final stop was put to their suit, though the Lords could not judicially know, whether any body else would prosecute else-where.

This proceeding of the Lords looks the more oddly, because they rejected the Cause, before they knew as Judges what it was, and referred it to the ordinary Course of Law, without staying to hear, whether it were a matter whereof an inferior Court could take Cognisance. There are Treasons which can only be adjudged in Parliament, and if we may collect the sense of the House of Commons from their debates, they thought there was a mixture of those kind of Treasons in *Fitz-Harris's Case*. And therefore there was little reason for that severe suggestion, that the Impeachment was only designed to delay a Tryal, since a com-

pleat examination of his Crime could be had no where but in Parliament. But it seems somewhat strange, *that the delaying of a Tryal, and that against a professed Papist charged with Treason, should be a matter so extremely sensible*: For might it not be well retorted by the People, that it had been long *a matter extreamly sensible to them*, that so many Prorogations, so many Dissolutions, so many other Arts had been used to delay the Trials, which His Majesty had often desired, and the Parliament prepared for against five professed *Popish Lords charged with Treasons of an extraordinary nature*. But above all, that it was a matter *extreamly sensible* to the whole Kingdom, to see such Un-Parliamentary and mean Solicitations, used to promote this pretended Rejection of the Commons Accusation, as are not fit to be remembred. 'Tis there that the *delay of the Tryal is to be laid*; for had the impeachment been proceeded upon, and the Parliament suffered to Sit, *Fitz-Harris* had been long since executed, or deserved Mercy by a full Discovery of the secret Authors of these malicious designs against the King and People. For though the Declaration says a *Tryal was directed*, yet we are sure nothing was done in order to it, till above a month after the Dissolution. And it hath since raised such questions, as we may venture to say, were never talk't of before in *Westminster Hall*. Questions which touch the judicature of the Lords, and the Priviledges of the Commons in such a degree, that they will never be determined by the decision of any inferior Court, but will assuredly at one time or other have a farther Examination.

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We have seen now that the Commons did it not without some ground, when *they Voted the Refusal of the Lords to proceed upon an Impeachment, to be a denial of Justice, and a violation of the Constitution of Parliaments*; and the second Vote was but an application of this Opinion to the present case. The third Vote made upon that occasion, was no more than what the King himself had allowed, and all the Judges of *England* had agreed to be Law, in the case of the five impeached Lords, who were only generally impeached, and the Parliament Dissolved, before any Articles were sent up against them. Yet they had been first indicted in an inferior Court, and Preparations made for their Tryal, but the Judges thought at that time, that a prosecution of all the Commons was enough to stop all prosecutions of an inferior Nature. The Commons had not Impeached *Fitz-Harris*, but that they judged his case required so publick an Examination, and for any other Court to go about to try and condemn him, tho it should be granted to be of another Crime, is as far as in them lies to stifle that Examination.

By this time every man will begin to question, whether *the Lords did themselves, or the Commons Right, in the refusing to countenance such a proceeding*: But one of the Pen-men of this Declaration has done himself and the Nation Right, and has discovered himself by using his ordinary phrase upon this occasion. The Person is well known without naming him, who always tells men they have done themselves no Right, when he is resolved to do them none. As for the Commons, nothing was

carried on to extremity by them, nothing done but what was Parliamentary? They could not desire a conference, till they had first stated their own case, and asserted by Votes the matter which they were to maintain at a conference. And so far were those Votes from putting the Two Houses *beyond a possibility of Reconciliation*, that they were made in order to it, and there was no other way to attain it. And so far was the House of Commons from thinking themselves to be out of a capacity of transacting with the Lords any farther, that they were preparing to send a Message for a conference to accommodate this difference, at the very instant that the Black Rod called them to their Dissolution. If every difference in Opinion or Vote, should be said to put the two Houses out of *capacity of transacting business together*, every Parliament almost must be dissolved as soon as called. However our Ministers might know well enough, that *there was no possibility of Reconciling the Two Houses*, because they had before resolved to put them out of *a capacity of transacting together by a sudden Dissolution*. But that very thing justifies the Commons to the world, who cannot but perceive that there was solemn and good ground for them to desire an inquiry into *Fitz Harris's* Treason, since they who influence our Affairs were so startled at it, that in order to prevent it, they first promoted this difference between the two Houses, and then broke the Parliament lest it would be composed.

There is another thing which must not be past over without observation, that the Ministers in this Paper take upon them to decide this great dispute
between

between the two Houses, and to give judgment on the side of the Lords. We may well demand what Person is by our Law Constituted a Judge of their Priviledges, or hath authority to censure the Votes of one House, made with reference to matters wherein they were contesting with the other House, *as the greatest violation of the Constitution of Parliaments.* They ought certainly to have excepted the power which is here assumed of giving such a judgment, and publishing such a Charge, as being not only the highest violation of the Constitution, but directly tending to the destruction of it.

This was the Case, *and a few days continuance being like to produce a good understanding between the Two Houses,* to the advancing *all those* great and publick ends, for which the Nation hop'd they were called, the Ministers found it necessary to put an end to that Parliament likewise.

We have followed the Writers of the Declaration through the several parts of it, wherein the House of Commons are Reproached with many particular Miscarriages, and now they come to speak more at large, and to give caution against two sorts of ill Men. One sort they say, *are men fond of their old beloved Common-wealth Principles,* and others are angry at being disappointed in designs they had for accomplishing their own Ambition and Greatness. Surely if they know any such Persons, the only way to have prevented the mischiefs which they pretend to fear from them, had been to have discovered them, and suffered the Parliament to Sit to provide against the evils they would bring

upon the Nation, by prosecuting of them. But if they mean by these lovers of *Common-wealth Principles*, men passionately devoted to the Publick good, and to the common service of their Country, who believe that Kings were instituted for the good of the People, and Government ordained for the sake of those that are to be governed, and therefore complain or grieve when it is used to contrary ends, every Wise and Honest man will be proud to be ranked in that number. And if *Common-wealth* signifies the Common Good, in which sense it hath in all Ages been used by all good Authors, and which *Bodin* puts upon it, when he speaks of the Government of *France* which he calls a *Republick*, no good man will be ashamed of it. Our own Authors, *The Mirror of Justice*, *Bracton*, *Fleta*, *Fortescue*, and others in former times. And of latter years, *Sir Thomas Smith*, Secretary of State in the Reign of Queen *Elizabeth*, in his Discourses of the Common-wealth of *England*, *Sir Francis Bacon*, *Cook* and others, take it in the same sense. And not only divers of our Statutes use the Word, but even King *James* in his first Speech unto the Parliament, acknowledgeth himself to be the *Servant* of the *Common-wealth*, and King *Charles I.* both before and in the time of the War, never expresseth himself otherwise. To be *friend* therefore of such *Common Principles*, becomes every Englishman; and the whole Kingdom did hope, and were afterwards glad to find, they had sent such men to Parliament. If the Declaration would intimate, that there had been any design of setting up a *Democratical* Government,

ment, in opposition to our legal *Monarchy*, it is a calumny just of a piece with the other things which the penners of this Declaration have vented, in order to the laying upon others the blame of a design to overthrow the Government, which only belongs unto themselves.

It is strange how this *Word*, should so change its signification, with us in the space of twenty years. All *Monarchies* in the World, that are not purely Barbarous and Tyrannical, have ever been called *Commonwealths*. *Rome* it self altered not that name, when it fell under the Sword of the *Cæsars*. The proudest and cruellest of Emperors disdained it not. And in our days, it doth not only belong to *Venice*, *Genoua*, *Switzerland*, and the *United Provinces* of the *Netherlands*, but to *Germany*, *Spain*, *France*, *Sweden*, *Poland*, and all the Kingdoms of *Europe*. May it not therefore be apprehended that our present Ministers, who have so much decryed this *Word* so well known to our Laws, so often used by our best Writers, and by all our Kings until this day, are Enemies to the thing? And that they who make it a brand of Infamy to be of *Commonwealth Principles*, that is, devoted to the good of the People, do intend no other than the hurt and mischief of that People? Can they in plainer terms declare their *fondness* of their beloved Arbitrary Power, and their design to set it up, by subverting our Ancient Legal Monarchy instituted for the benefit of the Commonwealth, than by thus casting reproach upon those who endeavour to uphold it.

Let the Nation then to whom the Appeal is made, judge who are the men that endeavour to *Poison* the People, and who they are who are guilty of designing innovations. *Bracton* tells us, that *potestas Regis* is *potestas Legis* : It is from the Law that he hath his Power, it is by the Law that he is King, and for the good of the people by whose consent it is made. The Liberty and welfare of a great Nation, was of too much importance to be suffered to depend upon the will of one Man. The best and wisest might be transported by an excess of Power trusted with them, and the experience of all times sheweth, that Princes as men are subject to Errors, and might be misled. Therefore (as far as mans Wit could foresee) our Constitution hath provided by Annual Parliaments, 36. *Ed.* 3. *cap.* 10. that the Commonwealth might receive no hurt; and it is the Parliament, that must from time to time correct the mischiefs which daily creep in upon us. Let us then no longer wonder, when we see such frequent Prorogations and Dissolutions of Parliaments; nor stand amazed at this last unparalell'd effort of the Ministers by this Declaration to render two Parliaments odious unto the People. They well know that Parliaments were ordain'd to prevent such mischiefs as they design'd, and if they were suffered to pursue the ends of their institution, would endeavour to preserve all things in their due order. To unite the King unto his People, and the Hearts of the People unto the King : To keep the Regal Authority within the bounds of Law, and perswade His Majesty to direct it to the
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the publick Good which the Law intends. But as this is repugnant to the Introduction of Arbitrary Power and Popery, they who delight in both, cannot but hate it, and chuse rather to bring matters into such a State as may suit with their private Interests, than suffer it to continue in its right Channel. They love to fish in troubled Waters, and they find all Disorders profitable unto themselves. They can flatter the Humor of a misguided Prince, and encrease their Fortunes by the Excesses of a wastful Prodigal. The Phrensie of an imperious Woman is easily rendred propitious unto them, and they can turn the Zeal of a violent Bigot to their Advantage. The Treacheries of false Allies agree with their own Corruptions, and as they fear nothing so much as that the King should return unto his People, and keep all things quiet, they almost ever render themselves subservient to such as would disturb them. And if these two last Parliaments, according to their Duty, and the Trust reposed in them, have more steadily than any other before them, persisted in the pious and just Endeavors of easing the Nation of any of its Grievances, the Authors of the Declaration found it was their best Course, by false Colours put upon things, and subtle Misrepresentations of their Actings to delude the People into an Abhorrence of their own Representatives, but with what Candor and Ingenuity they have attempted it, is already sufficiently made known. And if we look about us, we shall find those who design a Change, on either hand fomenting a Mis-understanding between
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the King, his Parliament and People, whilst Persons who love the legal Monarchy, both out of Choice and Conscience, are they who desire the frequent and succesful Meetings of the great Council of the Nation.

As for the other sort of peevish Men, of whom the Declaration gives us warning, *who are angry at the Disappointment of their ambitious Designs*; if these words are intended to reflect on those Men of Honour and Conscience, who being qualified for the highest Employments of State, have either left, or refused, or been removed from them, because they would not accept or retain them at the price of selling their Country, and enslaving Posterity: And who are content to sacrifice their Safety as well as their Interest for the Publick, and expose themselves to the Malice of the Men in power, and to the daily Plots, Perjuries and Subornations of the Papists. I say, if these be the *ambitious Men* spoken off, the people will have consideration for what they say, and therefore it will be Wisdom to give such Men as these no occasion to say, that they intend to *lay aside the use of Parliaments*.

In good earnest, the Behaviour of the Ministers of late, gives but too just occasion to say, that the *use of Parliaments is already laid aside*. For though his Majesty has owned in so many of his Speeches and Declarations, the great danger of the Kingdom, and the necessity of the Aid and Counsel of Parliaments, he hath nevertheless been prevailed upon to dissolve four in the space of twenty six months, without making provision by
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their Advice suitable to our Dangers or Wants. Nor can we hope the Court will ever love any Parliament better than the first of those four, wherein they had so dearly purchased such a number of fast Friends; Men, who having first sold themselves, would not stick to sell any thing after. And we may well suspect they mean very ill at Court, when their Designs shockt such a Parliament. For that very *Favorite* Parliament no sooner began in good earnest to examine what had been done, and what was doing, but they were sent away in haste and in a Fright, though the Ministers know they lost thereby a constant Revenue of extraordinary Supplies. And are the Ministers at present more innocent than at that time: The same Interest hath the Ascendant at Court still, and they have heightened the Resentments of the Nation, by repeating Affronts; and can we believe them, that they dare suffer a Parliament now to sit?

But we have gained at least this one point by the Declaration, that it is owned to us, *that Parliaments are the best Method for healing the Distempers of the Kingdom, and the only means to preserve the Monarchy in credit both at home and abroad.* Own'd by these very Men, who have so maliciously rendred many former Parliaments ineffectual, and by this Declaration have done their utmost to make those which are to come as fruitless, and thereby have confessed that they have no concern for *healing the Distempers of the Kingdom, and preserving the Credit of the Monarchy*; which is in effect to acknowledge themselves to be what the
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Commons called them, *Enemies to the King and Kingdom*. Nothing can be more true, than that the Kingdom can never recover its *Strength and Reputation abroad*, or its ancient Peace and Settlement at home, his Majesty can never be relieved from his Fears and his domestick Wants, nor secure from the Affronts which he daily suffers from abroad, till he resolves not only to call *Parliaments*, but to hearken to them when they are called. For without that, it is not a Declaration, it is not repeated promises, nay, it is not the frequent calling of Parliaments which will convince the World, that the use of them is not intended to be laid aside.

However we rejoyce, that his Majesty seems resolved to have frequent *Parliaments*, and hope he will be just to himself and us, by continuing constant to this Resolution. Yet we cannot but doubt in some degree, when we remember the Speech made 26. Jan. 1679. to both Houses, wherein he told them, that he was *Unalterably of an Opinion, that long Intervals of Parliaments were absolutely necessary, for composing and quieting the Minds of the People*. Therefore, which ought we rather to believe, the *Speech* or the *Declaration*, or which is likely to last longest; a *Resolution of an unalterable Opinion*, is a matter too nice for any but Court Criticks to decide. The effectual performance of the last part of the promise, will give us assurance of the first. When we see the real fruits of these utmost Endeavours to extirpate *Poverty out of Parliament*; when we see the Duke of York no longer first Minister, or rather Protector
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of these Kingdoms, and his Creatures no longer to have the whole Direction of Affairs ; when we see that Love to our Religion and Laws is no longer a Crime at Court ; no longer a certain Fore-runner of being disgrac'd and removed from all Offices and Employments in their power, when the Word Loyal (which is faithful to the Law) shall be restored to its old meaning, and no longer signify one who is for subverting the Laws ; when we see the Commissions fill'd with hearty Protestants, and the Laws executed in good earnest against the Papists, the Discoverers of the Plot countenanced, or at least heard, and suffered to give their Evidence, the Courts of Justice steady, and not avowing a Jurisdiction one day, which they disown the next ; no more Grand Juries discharged, least they should hear Witnesses, nor Witnesses hurried away, least they should inform Grand Juries ; when we see no more Instruments from Court labouring to raise Jealousies of Protestants at home, and some regard had to Protestants abroad ; when we observe somewhat else to be meant by *Governing according to Law*, then barely to put in Execution against Dissenters, the Laws made against Papists ; then we shall promise our selves not only *frequent Parliaments*, but all the blessed effects of pursuing Parliamentary Counsels, the *Extirpation of Popery*, the *Redress of Grievances*, the *Flourishing of Laws*, and the perfect *Restoring the Monarchy to the Credit which it ought to have*, (but which the Authors of the Declaration confess it wants) *both at Home and Abroad*. There needs no time to open the Eyes of
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his Majesties good Subjects, and their Hearts are ready prepared to meet him in Parliament, in order to perfect all the good Settlement and Peace, wanting in Church and State.

But whilst there are so many little Emissaries employed to sow and encrease Divisions in the Nation, as if the Ministers had a mind to make his Majesty the Head of a Faction, and joyn himself to one Party in the Kingdom, who has a just right of Governing all (which *Tbuanus lib.28.* says, was the notorious folly, and occasioned the Destruction of his Great Grandmother *Mary Queen of Scots*) whilst we see the same Differences promoted industriously by the Court, which *gave the rise and progress to the late troubles*, and which were once thought fit to be buried in an Act of Oblivion. Whilst we see the *Popish* interest so plainly Countenanced, which was then done with Caution ; when every pretence of Prerogative is strained to the utmost height, when Parliaments are used with Contempt and Indignity, and their Judicature, and all their highest Priviledges brought in Question in Inferiour Courts, we have but too good cause to believe, that though every Loyal and Good Man does, yet the Ministers and Favourites, do but little *consider the Rise and Progress of the late Troubles*, and have little desire or care to preserve their Country from a *Relapse*. And who as they never yet shewed regard to *Religion, Liberty, or Property*, so they would be little concern'd to see the *Monarchy shaken off*, if they might escape the Vengeance of Publick Justice, due to them for so long a Course of Per-
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nicious Counsels, and for Crowning all the rest of their Faults by thus reflecting upon that High Court, before which we do not doubt but we shall see them one day brought to Judgment.

Thus have we with an *English* plainness, expressed our thoughts of the late Parliament and their Proceedings, as well as of the Court in Relation to them, and hope this Freedom will offend no Man. The Ministers, who may be concern'd through their appealing unto the People; cannot in Justice deny unto any one of them the Liberty of weighing the Reasons which they have thought fit to publish in Vindication of their Actions. But if it should prove otherwise, and these few Sheets be thought as weak and full of Errors, as those we endeavour to confute, or be held injurious unto them, we desire only to know in what we transgress, and that the Pres is may be open for our Justification; Let the People to whom the Appeal is made judge then between them and us; and let Reason and the Law be the Rules, according unto which the Controversie may be decided. But if by denying this, they shall like Beasts recur to force; they will thereby acknowledge that they want the Arms which belong to rational Creatures. Whereas if the Liberty of Answering be left us, we will give up the Cause, and confess, that both Reason and Law are wanting unto us, if we do not in our Reply satisfy all Reasonable and Impartial Men that nothing is said by us, but what is just, and necessary to preserve the Interests of the King and his People. Nor can there be any thing more to the honour of
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his Majesty; than to give the Nations round about us to understand, that the King of *England*, doth neither Reign over a Base, Servile People, who hearing themselves Arraign'd, and Condemned, dare not speak in their own Defence and Vindication; nor over so silly, foolish, and weak a People, as that ill designed, and worse supported Paper might occasion the World to think, but that there are some Persons in his Dominions, not only of true *English* Courage, but of greater Intellectuals as well as better Morals, than the Advisers unto, and Penners of the Declaration have manifested themselves to be.

F I N I S.

